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**Virtuous Empire:
The Jeffersonian Vision for America**

By Gavin Palmer

**Politics Honors Thesis
Oberlin College, 2012**

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1. Introduction

The Founding Fathers have always held a special place in American political thought. Of the Founders George Washington is perhaps the most revered, and Alexander Hamilton and James Madison are given the most credit for the creation of our economic and federal institutions; but none of the Founders has had a greater impact on American political ideas, or civic discourse, than Thomas Jefferson. As the author of *the Declaration of Independence* Americans view Jefferson as the embodiment of the American ideals of life, liberty, and the pursuit of happiness. For better or worse, Jeffersonian values and American values are treated as virtually one and the same:

Because of the importance of Jefferson's ideas to American political thought, Merrill Peterson, one of the foremost Jefferson scholars of the past century, once said, "[a]ll American history, it sometimes seemed, represented the effort to discover Jeffersonian answers to the problems encountered in the nation's progress."¹ As Peterson points out, Jefferson has been invoked as an authority in support of a plethora of different causes, including such contradictory causes as state secession and nationwide-abolition; isolationism and imperialism; state-sanctioned segregation and national civil rights legislation; laissez faire capitalism and the post-New Deal social welfare state. Proponents of each of these causes, in their own ways, claim to be the ideological successors of Thomas Jefferson.

The ability to make a case that Jefferson would have supported a given political position gives that position a certain legitimacy. As Forrest McDonald describes this phenomenon in American political thought, "'Jefferson' and 'Jeffersonian' came to mean

¹ Peterson, Merrill. *The Jefferson Image in the American Mind*. (New York: Oxford University Press, 1960), 363.

merely 'good,' or 'that which the nation aspires to be.'"² In theory, if Jefferson would have supported something it was consistent with American values, and if he would have opposed it then it must be in conflict with American values.

No doubt, Jefferson could not have been in favor of all of the causes that political actors claim he would have supported, because each of these conflicting causes are based on radically different sets of priorities. Given this fact, it is not surprising that the true Jefferson has been obscured over time. My project is to discern what Thomas Jefferson's priorities really were. What were his guiding principles and what was his vision for America?

Isolating the true Jeffersonian agenda is a difficult task given the fact that Jefferson never wrote down his political views in one place. Richard K. Matthews notes that since Jefferson didn't write a "Magnum Opus" scholars must resort to "an eclectic method."³ In constructing my interpretation of the Jeffersonian agenda I am taking a textual approach backed up with historical evidence from Jefferson's actions. My intention is to demonstrate how Jefferson's writings from multiple different periods of his political career (the American Revolution, the period of Republican opposition in the 1790s, and the Jefferson Presidency) inform his actions. X

What we know about Jefferson's political thought can only be pieced together by reading his essays, personal correspondence, inaugural addresses, and messages to Congress. A challenge in interpreting Jefferson through his texts is how to discern from the multiple possible intentions he could have had in writing each text. For instance, he

² McDonald, Forrest. *The Presidency of Thomas Jefferson*. (Lawrence, Kansas: Kansas University Press, 1976), 168.

³ Matthews, Richard K. *The Radical Politics of Thomas Jefferson*. (Lawrence, Kansas: Kansas University Press, 1984), 15.

may be more candid in his private correspondence than he was in his Inaugural Addresses as President when he had to be more directly accountable to public opinion. I consider it a given that it is impossible for us to separate Jefferson's own views from the views he expresses in his texts, so I will take him at his word and assume that what he says is what he believes.

I contend that an exclusively textual approach cannot fully capture the meaning of the Jeffersonian agenda, which means that I will also have to interpret his actions.

There's an age-old tension between political theory and political practice that admittedly cannot be fully resolved. I try to be sensitive to this tension in my interpretation of Jefferson. To some extent Jefferson had to be a pragmatist and adjust his principles to the realities of the political times. Although no doubt Jefferson's approaches to certain issues – chief among them how to handle the issue of slavery in America – evolved over time, I believe it is apparent that Jefferson had a core political agenda to which he stuck from the Revolution through his Presidency. The Jefferson that emerges from this project is one who was driven by a set of core republican principles that are evident in his writings, and a vision for America that he was determined to make a reality through political action. (why)

Jefferson's political project centered around the creation of what I call a Virtuous Empire; one that contains a degree of prosperity comparable to the European world powers of the day without any of the corrupting effects that are traditionally associated with political Empires. In a Virtuous Empire the rulers would not violate the public trust and pursue their own interests at the expense of the interests of the people, and for their part the people would do their best to combat the forces of corruption that inevitably

emerge in all political communities. Jefferson thought no Empire in the past had ever met these conditions, but he hoped that America could succeed in this task and become the first Virtuous Empire.

In structuring this paper I will first consider the argument that Jefferson was an anti-government thinker, and in the same chapter I will show how Jefferson's embrace of expansive federal authority as president renders this interpretation untenable. In the next section I will present an alternative interpretation of Jefferson's political thought. In my view, Jefferson was not an enemy to government, but to its use for corrupt ends that benefitted elites at the expense of the public. This interpretation is consistent with Jefferson's actions in the three major periods of his political career.

In section 4 I will explain how Jefferson's political thought draws from the classical republican tradition. A central aspect of this strand of political thought is the relationship between virtue and corruption. Jefferson thought public officials demonstrated corruption when they failed to act in the public interest. This was essentially the same view expressed by Algernon Sidney. Further, when public officials demonstrated corrupt behavior, Jefferson thought it was up to the people to protect their own interests by actively participating in public affairs. This is Jefferson's definition of civic virtue. In his view, the people have a responsibility to combat the forces of corruption, and whenever civil society fails at this task the republic experiences (perhaps irreparable) moral decay. The theory that the virtue of the citizen is essential to sustaining a republic can be traced to Aristotle. As I will show in this section, the influence of these classical republican thinkers pervades Jefferson's political project of building a Virtuous Empire in America.

In section 5 I will consider a criticism presented by Robert W. Tucker and David C. Hendrickson; namely, that Jefferson appealed to reason of state in his role as President and thus compromised his principles by placing national interests ahead of the interests of the people. I will respond to this criticism by differentiating between the version of reason of state that the Federalists appealed to in the 1790s and the type of reason of state Jefferson utilized as president. The key difference is that Jefferson used federal authority primarily to preserve a strong civil society in America. In the case of the Louisiana Purchase this meant accumulating more land to preserve the agrarian nature of the republic; the Embargo act was simply Jefferson's alternative to warfare, which Jefferson believed to be the impetus for most governments to abuse their powers, a state of affairs that was antithetical to republican principles. In the end, neither the Louisiana Purchase nor the Embargo Act weakened civil society in the way Hamilton's National Bank or Adams' Alien & Sedition Acts had done, even though these initiatives were also justified by an appeal to national interests.

Finally, I will show how Jefferson's attempts to build a Virtuous Empire failed in his lifetime because of the corrupting effect of slavery, and how the role of money in American politics threatens the Jeffersonian project today.

Jefferson's undoing - and by extension America's undoing until the Union was restored after the Civil War - was the issue of slavery. In chapter 6 I will explain how in Jefferson's view the institution of slavery was morally unjust. Those in government who supported the institution out of their own self-interest were in his view morally corrupt, and the institution itself created moral decay within civil society by placing individual avarice above concern for the public interest. Thus, slavery made the American Empire

no better than the British Empire, where public officials exercised absolute authority over the American colonists in the name of their own self-interest and civil society was ill-equipped to respond to the day's social ills. The American Virtuous Empire could not become a reality until the institution of slavery was finally eradicated. For pragmatic reasons Jefferson decided that slavery would have to be a question for the next generation, and so he failed to make America a Virtuous Empire in his lifetime.

I shall conclude by looking at elements of corruption in the American political system today and evaluating the prospects for the success of Jefferson's political project in the future. I believe Jefferson would think the same forces of corruption still threaten the experiment in sustaining a Virtuous Empire. The main obstacle to Jefferson's vision becoming a reality is the modern electoral system, in which money has become the main determinant in the outcome of elections. To run successfully for office candidates are now required to raise mass amounts of money. As a consequence of this pressure to raise money, public officials have a strong tendency to support the interests of the minority of voters who donate to their campaigns. This of course is at the expense of the interests of the general public whom these public officials are supposed to represent. In chapter 7 I will point to a number of empirical studies that show there is substantial evidence for this phenomenon.

I still think money is only one element of corrupt power

Money poses a unique problem in American politics because it not only instigates a corrupting effect on the part of public officials, but it gives people an unequal voice in political discourse. Political discourse has therefore become dominated by special interests instead of by the people themselves. This process reinforces the status quo and prevents the people from providing a check on corrupt public officials. I think Jefferson

would believe that this made our Empire corrupt, and that America could not be a Virtuous Empire until the role of money in American politics is somehow reduced.

I don't claim to know what Jefferson would think about every facet of our society, but I believe the core principles of Jefferson's political thought can be translated into a modern Jeffersonian political agenda. Jefferson envisioned an America in which the government was intent on promoting national prosperity without sacrificing the interests of the people, and the people would consider it their duty to keep it that way. This is enough to tell us how we have gone off track from Jefferson's vision for America and how we might bring about a Jeffersonian Virtuous Empire in the future.

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2. The Anti-Government Interpretation of Jefferson

Traditionally, Thomas Jefferson's name has been viewed as synonymous with the principle of limited government and the cause of liberty. In this section I will point to several libertarian figures that take this to mean that Jefferson was an anti-government thinker. From a strictly textual perspective this view is certainly defensible. In the following section I will explore this textual evidence from the three major periods of Jefferson's political career, and I will consider the arguments for why Jefferson could have been pushing an agenda aimed at limiting government authority and maximizing liberty. As I will explain, this view is in error. Jefferson was not primarily concerned with promoting an anti-government agenda, but with combating the forces of corruption and maintaining a strong civil society.

The Revolution

Jefferson's primary contribution to the political thought of the Revolutionary period was his authorship of *the Declaration of Independence*. The line we all remember from *the Declaration* is the section from the Preamble on "Life, Liberty and the pursuit of Happiness." This line was clearly influenced by John Locke's principle of "Life, Liberty, and Property" in his *Second Treatise on Government*. One could take Jefferson's importation of Locke's ideas to mean that he was at heart a Lockean liberal, and that – like Locke – he was primarily concerned with economic liberty. Although this interpretation does not tell the whole story, it isn't without grounding given that Jefferson acknowledged he was an admirer of Locke.⁴

According to Locke, all men possess certain natural rights that cannot be infringed. Above all, every man possesses a natural right to liberty, meaning that he is not subject to the will of others and owes obedience to no one but himself. However, in a state of nature men can use their liberty to harm others, especially by theft or destruction of another individual's property. This is not a state of affairs under which any rational man would want to live in because he would be "subject to the inconstant, uncertain, unknown, arbitrary" wills of others.⁵ Therefore, in order to be more secure in their property, individuals transfer their natural liberty over to a sovereign that may enforce laws protecting property rights. Locke says that "[t]he great and chief end therefore, of

⁴ Jefferson, Thomas. "Bacon, Locke, and Newton." To John Trumball Paris, Feb. 15, 1789. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*.
<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=74&division=div1>>.

Jefferson once said that John Locke, Isaac Newton, and Francis Bacon were the greatest men to walk this Earth and he had life-sized busts of each of them in his house in Monticello.

⁵ Locke, John. *Two Treatises of Government*. (Edited by Mark Goldie. London: Everyman, 1993), 128.

men's uniting into commonwealths, and putting themselves under government, is the preservation of their property."⁶ This relationship between the individual and the sovereign holds as long as each side obeys the social contract.

When individuals violate the laws they are punished by the state, but when the government violates the social contract the people return to their natural liberty. Locke says, "whenever the legislators endeavor to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any further obedience[.]"⁷ Because of this breach of the social contract, Locke says, the people "have a right to resume their original liberty."⁸

On the liberal interpretation of Locke, the relationship between the government and the people is shaped by this constant struggle between liberty and authority. The people try to have as much security as possible while at the same time giving up as little liberty as possible. Under an ideal situation, the citizens would be at liberty to do what they want with the fruits of their own labor and they would not be subject to many laws or restrictions guiding their actions beyond the most essential laws protecting their person and property.

This aspect of Locke's thought has been the subject of a number of libertarian interpretations.⁹ Robert Nozick draws heavily on Locke in his construction of a rights-

⁶ Locke, 178.

⁷ Locke, 227.

⁸ Locke, 227.

⁹ The libertarian interpretation of Locke is somewhat of a misrepresentation. Locke says in the *Second Treatise* that the role of the laws is to direct individuals to their own interests (p. 142). A strict libertarian would see the laws as impediments. Locke also says he believes a strong executive, at least within constitutional limits, to be desirable. He adds that a good leader acting within constitutional limits "cannot have too much prerogative, that is, power to do good" (p. 200).

based libertarian theory in *Anarchy, State, and Utopia*. Like Locke, Nozick views the rights of individuals as existing prior to the state.¹⁰ Nozick points to Locke's claim that one gains a right to a given piece of property by mixing his labor with it.¹¹ That individual right holds so long as others are not made worse off by the acquisition of property. Locke says, "[f]or this labor being the unquestionable property of the labourer, no man but he can have a right to what that is once joined to, at least where there is enough, and as good left in common for others."¹² Nozick argues that self-interested individuals in a Lockean state of nature will form protective agencies to secure their person and property.¹³ Further, this arrangement, which Nozick calls the minimal state, "is the most extensive state that can be justified" because any more state intervention would violate people's rights.¹⁴

From a libertarian perspective, the American Revolution was driven by the fact that the British crown exercised too much government authority over the colonists at the expense of their liberty and property. This was the view professed by Thomas Paine, a fellow Virginian and prominent voice in the libertarian movement.¹⁵ In his Revolutionary Pamphlet *Common Sense*, Thomas Paine asserts "our plan is commerce" and he concludes that it would be in the economic interests of the colonists to break ties

¹⁰ This is a key difference between Locke and rivaling social contract theorists Thomas Hobbes and Jean-Jacques Rousseau, who both contend that there are no rights prior to the formation of the state.

¹¹ Locke, 128.

¹² Locke, 128.

¹³ Nozick, Robert. *Anarchy, State, and Utopia*. (United States of America: Basic Books, 1974), 118.

¹⁴ Nozick, 149.

¹⁵ Paine is considered a libertarian given his anti-government sentiments. He is known for his emphatic statements in *Common Sense*, such as "Society is produced by our wants, and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices" and "government even in its best state is but a necessary evil."

with Great Britain.¹⁶ Paine cites the burdensome Stamp Act and the British disregard for the property rights of the colonists as their primary abuses of power.¹⁷

Proponents of the libertarian interpretation of Jefferson could argue that he was referring to property rights in the same way as Locke and Paine when he wrote in *the Declaration of Independence*: "That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government[.]"¹⁸

Individuals of this mentality argue that government involvement in health care or pension programs that require wealth redistribution are contrary to the principles of the Revolution. Dick Armey and Matt Kibbe make this argument in a Wall Street Journal editorial entitled *A Tea Party Manifesto*. Armey and Kibbe contrast these policies with "[t]he American values of individual freedom, fiscal responsibility and limited government."¹⁹ Anti-government activists see redistributive policies as a violation of their liberties, and since liberty is valued above all else, redistributive policies may even be 'un-American' in the eyes of these individuals.

Jefferson has been cited as one of the ideological forbearers of the Tea Party Movement because of the numerous references to liberty in his writings as well as his opposition to the size and scope of the British government. His statement "[t]he tree of

¹⁶ Paine, Thomas. "Common Sense." <<http://www.constitution.org/tp/comsense.htm>>.

¹⁷ "Common Sense."

¹⁸ Jefferson, Thomas. "Declaration of Independence." *The Charters of Freedom*.
<http://www.archives.gov/exhibits/charters/declaration_transcript.html>.

¹⁹ Armey, Dick and Matt Kibbe. "A Tea Party Manifesto." *The Wall Street Journal*, August 17, 2010
<<http://online.wsj.com/article/SB10001424052748704407804575425061553154540.html>>.

liberty must be refreshed from time to time with the blood of patriots and tyrants" has become one of the slogans of the Tea Party Movement.²⁰

The Opposition Period of the 1790s

Before the American colonies adopted the Federal Constitution, economic decision-making was highly decentralized. The states each had their own currencies and even conducted trade with foreigner countries independently of the other states. Although this economic arrangement was consistent with the principles of economic liberty, it created a number of practical problems. Because the states had their own currencies trade was difficult, and there was no higher authority to act as an arbiter in trade relations between states.²¹

The Federal Constitution solved this problem by granting the Federal government authority over the regulation of interstate commerce. However, the issue of individual state debts remained, and the state governments lacked the means to pay back foreign governments for these debts that they had incurred over the period of the Revolutionary War. The centerpiece of Hamilton's financial agenda was the creation of a National Bank to assume state debts and improve national credit. Hamilton argued that "in a country, which, like this, is possessed of little active wealth, or in other words, little

²⁰ The origin of this quote is a letter from Jefferson to William S. Smith dated Nov. 13, 1787. Jefferson was referring to his support for the citizens of Massachusetts in Shays Rebellion. Members of the modern Tea Party Movement have adopted this quote as a rallying cry for their rebellion against the perceived oppressive forces of the Obama administration. At a Tea Party protest of one of President Obama's health care town halls in the summer of 2009, one protester - who was notably carrying a gun strapped to his leg - held a sign alluding to this "tree of liberty" quote. <http://www.cbsnews.com/8301-503544_162-5235445-503544.html>.

²¹ These arguments are expounded upon in the *Federalist Papers*. Hamilton and Madison actually supported adopting the Federal Constitution for different reasons. Hamilton wanted the Federal government to be the force behind commerce, whereas Madison wanted the Federal government to prevent the negative effects of commerce from taking hold in America. Drew McCoy explains this phenomenon in *The Elusive Republic: Political Economy in Jeffersonian America* (pg. 131).

monied capital, the necessity for the resource, must, in such emergencies, be proportionately urgent.”²² By enhancing America’s trade prospects and wealth-creating potential Hamilton hoped to emulate the great European Empires of the day.

Jefferson’s opposition to Alexander Hamilton’s National Bank proposal was arguably consistent with the anti-government philosophy with which he is commonly associated. Hamilton justified the government’s creation of a National Bank by appealing to the necessary and proper clause in the Constitution. Jefferson saw this as a power grab since the creation of a National Bank, in his view, was not necessary to perform the duties placed in the hands of the Federal government in regulating interstate commerce.²³

Jefferson’s theory was that since the power to assume erect State debts and erect corporations to regulate the national economy was not expressly granted in the Constitution, that power should remain with the people. By taking the power to make financial decisions out of the hands of the states – who were more directly accountable to the people – the federal government was infringing upon an area of the people’s sovereignty. Further, if the federal government became more powerful, it could infringe upon the people’s economic liberties. Jefferson wrote in his *Opinion on the Constitutionality of a National Bank*, “[t]o take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field

²² Hamilton, Alexander. “Report on Credit.” *American Political Thought*. 6th Ed. Kenneth M. Dolbeare and Michael S. Cummings. (Washington, D.C.: CQ Press, 2010), 140.

²³ Jefferson, Thomas. “Opinion on the Constitutionality of a National Bank.” (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 92.

of power, no longer susceptible of any definition.”²⁴ Expansive federal authority in one case would create a dangerous precedent that could lead to future abuses.

The Presidency

In 1800 the Federalists were swept out of office and Jefferson and his party assumed control of Congress and the White House. From an anti-government perspective, Jefferson’s Republican Revolution of 1800 can be seen as a return to the principles of small government and economic liberty. And as President, Jefferson ^{allegedly} advanced this agenda by dismantling some of the Federalist institutions and expanding economic liberty for the people.

Jefferson’s *First Inaugural Address* is one of the standard texts cited to support the anti-government interpretation of Jefferson. In it he claimed that republican principles had prevailed over those of the British monarchists and the Federalists who wanted to take away the people’s liberty. He asks rhetorically, “[s]ometimes it is said that man can not be trusted with the government of himself. Can he, then, be trusted with the government of others?”²⁵ Consistent with the principles of limited government, Jefferson proclaimed to support “a wise and frugal Government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned.”²⁶ The last clause highlights the importance of economic liberty to this ideal. Like Locke, Jefferson appears to be asserting a right to the possession of property that an individual mixes with his labor.

²⁴ “Opinion on the Constitutionality of a National Bank,” 90.

²⁵ Jefferson, Thomas. “First Inaugural Address.” *Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 167.

²⁶ “First Inaugural Address,” 168.

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As President, one could argue that Jefferson lived up to his image as a small government, anti-tax figure. Early in his administration, Jefferson cut the taxes that the Federalists had imposed to finance the quasi-war with France in 1798, which included “the hated excise, carriage, and direct property taxes.”²⁷ In addition, Gordon Wood writes, Jefferson significantly reduced the size of the Army and Navy, and overall “the military budget was cut in half.”²⁸ Wood says (only somewhat hyperbolically) that the end result of Jefferson’s policies was, “the national government’s presence was reduced to the delivery of the mail”²⁹

This was the model behind Ronald Reagan’s policies of decentralization and George W. Bush’s ownership society in the past several decades. Reagan included in his *Economic Bill of Rights* “[t]he freedom to enjoy the fruits of one’s labor” as well as “[t]he freedom to own and control one’s property” and “[t]he freedom to participate in a free market.”³⁰ George W. Bush invoked similar principles in his professed support for an ownership society in his *Second Inaugural Address*. Bush states that giving people more control over their health insurance and retirement savings contributes to “making every citizen an agent of his or her own destiny[.]”³¹ Today, this anti-tax, pro-economic liberty principle is a key tenet of the Tea Party Movement’s official platform.³²

²⁷ McDonald, 41.

²⁸ Wood, Gordon S. *The Idea of America: Reflections on the Birth of the United States*. (Penguin Press: New York, 2011), 247.

²⁹ Wood, 247.

³⁰ Ronald Reagan, America’s Economic Bill of Rights
<<http://www.presidency.ucsb.edu/ws/index.php?pid=34513#axzz1s3I8qABn>>.

³¹ George W. Bush, Second Inaugural Address
<<http://www.bartleby.com/124/pres67.html>>.

³² A website claiming affiliation with the Tea Party Movement <<http://www.teaparty-platform.com/>> cites Jefferson’s *first inaugural address* and lists the following as the first plank of their platform:

1. Eliminate Excessive Taxes - Excessively high taxes are a burden for those exercising their personal liberty to work hard and prosper as afforded by the Constitution. A fiscally responsible government

Context & stated
Proponents of this interpretation of Jefferson believe that like Reagan and Bush, Jefferson would oppose increases in taxes that have accompanied the rise of the social welfare state in America. Rather than rob individuals of the fruits of their own labor, these individuals would argue, Jefferson would prefer to encourage individual responsibility.

Political Theorists on the Anti-government Interpretation of Jefferson

Perhaps the strongest account given in support of the anti-government, pro-economic liberty interpretation of Jefferson is the one presented by Joyce Appleby in *Capitalism and a New Social Order*. Appleby argues that Jefferson saw laissez-faire capitalism as the liberating force that reversed the social ills produced by the system of British mercantilism, which had entailed government monopolies and concentrations of economic power in the hands of few. Appleby says, "Republicans interpreted the mercantilist goals of national wealth and power as parts of another scheme of the few to wrest natural and equal rights from the many."³³ In contrast to British mercantilism, Appleby writes, capitalism "turned out to be a mighty leveler, raising ordinary people to the level of competence and autonomy while reducing the rich, the able, and the well-born to equality."³⁴

Appleby indicates that the commitment to individual rights, especially property rights, was what made America unique. The government could not rightly violate the property rights of the people to further the ends of the governing class. Appleby writes

protects the freedom of its citizens to enjoy the fruits of their own labor without interference from a government that has exceeded its necessary size, scope and reach into the lives of its citizens.

³³ Appleby, Joyce. *Capitalism and a New Social Order: The Republican Vision of the 1790s*. (New York University Press: New York, 1984), 93.

³⁴ Appleby, 97.

that this must have been what Jefferson meant when he said 'the rights of the whole can be no more than the sum of the rights of individuals.'³⁵ On this view, individualism was the moral fiber of America, and limited government and the commitment to economic liberty were the means of preserving that individualist spirit. Government returned to the Lockean principle that "the security of life, liberty, and property was the only reason for entering civil society and hence...the major task of government."³⁶

This interpretation of Jefferson was not unique to supporters of laissez-faire capitalism. The progressive thinker of the early 20th century and founder of *the New Republic*, Herbert Croly, also held this interpretation of Jefferson's political philosophy. Croly thought his own progressive goals could only be achieved through the joining of Hamiltonian means with Jeffersonian ends.³⁷ In Croly's mind, Jeffersonian means were insufficient, because "[i]n Jefferson's mind democracy was tantamount to extreme individualism...It was unnecessary, moreover, to make any very artful arrangements" for government to produce desirable outcomes.³⁸ Croly takes this to mean that in the Jeffersonian view, "the motto of a democratic government should simply be 'Hands Off.' There should be as little government as possible."³⁹ Croly thought Jefferson's political philosophy failed to make room for the sort of national program that was necessary to improve national welfare.

³⁵ Appleby, 97.

The quote from Jefferson is from a letter to James Madison dated Sep. 6, 1789.

³⁶ Appleby, Joyce. *Capitalism and a New Social Order: The Republican Vision of the 1790s*. (New York University Press: New York, 1984), 96.

³⁷ Among the policies Croly wanted enacted were extended collective bargaining rights for unions and an increased estate tax.

³⁸ Croly, Herbert. *The Promise of American Life*. (E.P. Dutton & Co.: New York, 1963), 43.

³⁹ Croly, 43.

Both Appleby and Croly would see Jefferson as siding with members of the Tea Party movement in preferring a “hands off” approach to one of rigorous government intent on promoting social welfare.⁴⁰ In a recent article in *Forbes*, Jefferson is compared to Ron Paul for their common commitment to anti-government, pro-economic liberty policies. Ralph Benko, the author of the article writes, “Thomas Jefferson’s agenda includ[ed] eliminating the national bank, reducing the military, and dismantling the federal taxation system. These are at the heart of Ron Paul’s agenda.”⁴¹ This is the narrative of Jefferson that appears to have stuck.

The Embargo Act as a Jeffersonian Contradiction

I believe the anti-government interpretation of Jefferson does not stand up to scrutiny, because Jefferson was inconsistent in his application of these principles as a matter of practice. Jefferson opposed Alexander Hamilton’s National Bank while his party was in the opposition, and he called the Republican victory over the Federalists in 1800 a second Revolution. Presumably this meant a return to principles of limited government authority, similar to when the colonists broke from the absolute authority of the British crown. But once Jefferson became president, he embraced expansive federal authority when he oversaw the controversial Embargo Act. This was also a significant

⁴⁰ To be fair, Croly was not entirely anti-Jeffersonian. Croly makes this clear in *The Promise of American Life* in the following passage: “But Jefferson was wholly right in believing that his country was nothing, if not a democracy, and that any tendency to impair the integrity of the democratic idea could be productive only of disaster” (p. 43). Croly infers, “Jefferson sought an essentially equalitarian and even socialistic result by means of an essentially individualistic machinery. His theory implied a complete harmony both in logic and in effect between the idea of liberty and the idea of equality; and just in so far as there is any antagonism between those ideas, his whole political system becomes unsound and impracticable” (p. 43-44).

⁴¹ Benko, Ralph. “The Empire of liberty: Thomas Jefferson, Ron Paul and the Sacred Fire of Freedom.” *Forbes*, February 13, 2012.
<<http://www.forbes.com/sites/ralphbenko/2012/02/13/the-empire-of-liberty-thomas-jefferson-ron-paul-and-the-sacred-fire-of-freedom/>>.

violation of the people's economic liberties.⁴² The challenge in unraveling these Jeffersonian contradictions is to determine why Jefferson was willing to compromise his principles of limited federal government authority and economic liberty in some cases but not in others.

The events leading up to the Embargo began when war broke out between Britain and France in 1803. This resulted in a Naval blockade of the Atlantic and cut off U.S. commercial vessels. Since Jefferson had gutted the Navy he was not in a position to take military action.⁴³ Jefferson's alternative to war was the Embargo Act. The Embargo Act imposed a ban on all exports to Europe, which was intended to harm the British economy by cutting off their resources from America. Jefferson biographer Joseph Ellis provides a detailed account of Jefferson's thought process and the eventual outcome:

The idea for the embargo originated with Madison, who had convinced himself that closing down American exports and domestic markets would eventually force Britain and France to alter their policies. This was always an illusion, but it blended nicely with Jefferson's more moralistic vision, which was simply to sever all connections with the corrupt, belligerent nations of Europe. The result was an unadulterated calamity that virtually wrecked the American economy, had no discernible effect on either the policies or economies of England or France and required the federal government to exercise coercive powers to enforce the embargo, thereby contradicting the Jeffersonian principle of limited government.⁴⁴

The Embargo Act was a clear instance of Jefferson's support for expansive federal authority to the detriment of individual property rights. In the words of Robert

⁴² By "economic liberty" I mean the freedom to do with one's property as one wills in accordance with the Lockean proviso laid out in Locke's *Second Treatise on Government* and expounded upon by Robert Nozick in *Anarchy, State, and Utopia*.

⁴³ Ellis, Joseph. *American Sphinx: The Character of Thomas Jefferson*. (New York: Vintage Books, 1996), 283.

⁴⁴ Ellis, 283.

W. Tucker and David C. Hendrickson, *The Embargo Act was an act of oppression by the government on the people that rivaled the actions of the British monarchy.*⁴⁵

A possible counterargument to this claim would be that Jefferson was in fact highly committed to economic liberty, but his role as President forced him to be a pragmatist about the situation with Great Britain. Maybe his role as head of state required him to compromise his principles. However, compromise should be unacceptable to Jefferson in this situation if the anti-government interpretation of Jefferson is correct, because a violation of property rights would entail the invalidation of the social contract. Practical considerations may justify compromise from time to time, but even his duties in his role as president could not have justified such a break from Jefferson's most deeply held principles about the legitimate use of government authority.

One of the more damning aspects of the Embargo was the ardor with which Jefferson enforced it, even in the face of staunch public opposition. Following the passage and implementation of additional enforcement laws, Sean Wilentz writes that merchants still ignored the law "prompting Jefferson to approve mobilizing troops in upstate New York and deploying revenue ships off the Atlantic coast and on inland waters."⁴⁶ Wilentz adds, "[w]hen challenged over the embargo's severity, the president privately denounced his critics, centered in maritime New England, as disloyalists" if not outright monarchists.⁴⁷

It is puzzling that Jefferson didn't seem to acknowledge the negative impact of the embargo on the people's economic liberty. Surely these cannot be the deeds of a man

⁴⁵ Tucker, Robert W. and David C. Hendrickson. *Empire of Liberty*. (New York: Oxford University Press, 1990), 223.

⁴⁶ Wilentz, Sean. *The Rise of American Democracy: Jefferson to Lincoln*. (New York: W.W. Norton & Company, 2005), 131.

⁴⁷ Wilentz, 131.

who was driven by anti-government principles and a virtually unqualified commitment to economic liberty. Either Jefferson wasn't fully committed to these ideas in practice, or, as others may be inclined to believe, he was a partisan hypocrite who thought it was okay for the Republicans to do what he had condemned the Federalists for in the previous decade. In the next section I will propose a solution to this Jeffersonian enigma.

3. An Alternate View - Jefferson and the Project of Building a Virtuous Empire

Jefferson certainly did not appeal to the principles of limited government in the same way when he was President as he did when the Federalists were in power in the 1790s. But perhaps it would be overly simplistic to view the Jeffersonian struggle simply as one between liberty and government authority. What was important to Jefferson was not whether or not government should have power, but how that power would be used.

In the following section I will lay out my own interpretation of Jefferson, arguing that his primary concern was to prevent those in power from using their power to pursue their own interests at the expense of the interests of the public.

An Alternative Reading of the Declaration of Independence

Although Jefferson references Locke's principles of "life, liberty, and property" in *the Declaration*, this is merely part of a larger framework of Jefferson's message.

Jefferson makes clear in *the Declaration* that he is not in favor of absolute liberty; rather, he is opposed to corrupt rule. It is not the violation of economic liberty that necessitated the change in government, but the corrupt nature of that government. He writes, "[p]rudence, indeed, will dictate that Governments long established should not be

changed for light and transient causes.”⁴⁸ I take this to include expansion of government authority and even infringements upon economic liberty. However, Jefferson adds, “[b]ut when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.”⁴⁹ The implication here is it is not the scope of British authority itself that Jefferson abhorred, but the character of the rulers. The British were carrying out an agenda of exploiting the colonists for their own benefit.

Jefferson points to evidence of this phenomenon in his list of grievances. Here are the first three grievances:

He has refused his Assent to Laws, the most wholesome and necessary for the public good

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.⁵⁰

⁴⁸ "Declaration of Independence."

⁴⁹ "Declaration of Independence."

⁵⁰ "Declaration of Independence."

It is worth taking into consideration that the final version of *the Declaration of Independence* was not exactly the same as Jefferson's original rough draft. For instance, Jefferson's draft capped off the list of grievances with a denunciation of the institution of slavery with the claim "he has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere..."

<<http://www.princeton.edu/~tjpapers/declaration/declaration.html>>.

The first three grievances, however, were taken almost verbatim from Jefferson's draft. I take this to mean that those particular grievances were reflective of Jefferson's own sentiments.

Granted, many of the grievances can be read as opposition to instances of expansive government authority, but overall Jefferson intends to suggest that the British government no longer served the colonists' interests. Note that after the list of grievances Jefferson says that "[i]n every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury."⁵¹ What really necessitated the Revolution was the character of the King. Jefferson asserts, "[a] Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."⁵² The King did not serve the people's interests, and so therefore he was no longer their legitimate ruler.

On the 50th anniversary of *the Declaration of Independence* ¹⁸²⁶ Jefferson reaffirmed this premise, stating "[t]he general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God."⁵³ Jefferson envisioned the American government as one that served the interests of the general public, not just the interests of a few elites.

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The Role of Liberty and Prosperity in Jefferson's Political Thought

Joyce Appleby contends that Jefferson thought economic liberty was in fact the chief interest of the people. She says that Jefferson's commitment to economic liberty was so strong that he and his followers "seemed unable to envision a day when the free

⁵¹ "Declaration of Independence."

⁵² "Declaration of Independence."

⁵³ Jefferson, Thomas "Last Letter: Apotheosis of Liberty" To Roger C. Weightman Monticello, June 24, 1826 *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library.*

<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=285&division=div1>>.

exercise of men's wealth-creating talents would produce its own class-divided society."⁵⁴

Although at the time economic liberty may have seemed like the proper means to the Jeffersonian ends of promoting national prosperity and enhancing social welfare, I doubt that Jefferson would have seen economic liberty as an end in itself. ✓

Although Jefferson never presented a clear definition of liberty, he evidently saw liberty as the absence of impediments that inhibited human flourishing. For Jefferson, liberty was more of a means to promoting human happiness than it was a desirable end in itself. Jefferson wrote to James Madison in a letter in 1787 that provides particular insight on his views on liberty and prosperity. Jefferson writes that there are three types of societies: one has no government; another has a representative government with decisions made by the will of the majority; lastly, there are "governments of force" which exist "in all other monarchies and in most of the other republics."⁵⁵ Jefferson cited Native American societies in which government authority was virtually non-existent as the model for maximal liberty. However, he says that this is not his preferred system of government because it is "inconsistent with any great degree of population."⁵⁶

Jefferson did not think it was enough that the people live in a society with maximal liberty. He also wanted America to be an advanced and prosperous society. In his *First Inaugural Address* Jefferson says he sees America as "[a] rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations...advancing rapidly to destinies beyond the

⁵⁴ Appleby, 99-100.

⁵⁵ Jefferson, Thomas "Rebellion, Secession, and Diplomacy." To James Madison Paris, Jan. 30, 1787. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library.* <<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=53&division=div1>>

⁵⁶ "Rebellion, Secession, and Diplomacy"

reach of mortal eye.”⁵⁷ If Jefferson were truly anti-government above all, he would have wanted America to be more like Native American society than the system established by the U.S. Constitution.⁵⁸ But instead Jefferson preferred a constitutional government on the grounds that “[t]he mass of mankind under that enjoys a precious degree of liberty & happiness.”⁵⁹ In reality, Jefferson thought life, liberty, and the pursuit of happiness (the principles of the Revolution) required a certain degree of prosperity, which was not present in societies with less vigorous government - even when the people enjoyed more liberty - but was clearly a part of Empires such as that of Great Britain.

The problem with the British Empire was that it was corrupt; elites exercised disproportionate influence, which they used to pursue their own interests at the expense of public interests. In Jefferson’s view, this inhibited the goals of life, liberty, and the pursuit of happiness. Drew McCoy writes of the economic conditions that had been present in Britain, “the abject dependence of the landless or laboring poor rendered them vulnerable to bribery, corruption, and factious dissension” which shows that “a society with large numbers of these dependents was hardly suited to the republican form.”⁶⁰ Hence, the Revolution, at least in the view of Jefferson and his followers, was fought not for the purpose of achieving more liberty but for the purpose of escaping the corrupt British politics. As McCoy explains, “[i]n the eyes of the American Revolutionaries, England had degenerated by the 1770’s into a state of irredeemable corruption” and

⁵⁷ “First Inaugural Address,” 166.

⁵⁸ Native American governments did not fit the libertarian model perfectly, but insofar as libertarians value limited government, I take it that true libertarians would prefer a system with less government to a system with more government.

⁵⁹ “Rebellion, Secession, and Diplomacy”

⁶⁰ McCoy, Drew. *The Elusive Republic: Political Economy in Jeffersonian America*. (Chapel Hill: University of North Carolina Press, 1980), 131.

“England’s contagion would engulf the colonies if the imperial connection was not severed.”⁶¹

When those in government became corrupt as they did in the British Empire and the period of Federalist rule in America in the 1790s, it was up to the people to rid the government of its corrupting elements. Jefferson believed this is exactly what happened in the American Revolution in 1776 in response to the British, and in the Republican Revolution of 1800 in response to the Federalists. In both cases the people overthrew the existing order in favor of one that was more in accord with their interests. Thus, civic virtue becomes the counterforce to self-serving corruption.

Even proponents of the libertarian interpretation of Jefferson concede this point. Joyce Appleby observes, “the Jeffersonians overpowered the conservative elements that had survived the Independence movement” and afterwards “no politician would again think of defending the old order of an elite leadership and passive citizenry.”⁶² Appleby points to elements of classical liberalism in Jefferson’s thought as a response to his opposition to the predominant conservative ideology in America. This may seem counterintuitive to anyone familiar with American politics today, since, of course, it is the more conservative party, the Republican Party, that is much more committed to the elements of economic liberty and laissez-faire economics than the Democratic Party on the left.

not to someone familiar with an old history
This apparent oddity can be accounted for by looking at how the left-right spectrum in America has changed over time. John Dewey’s analysis of the evolution of American liberalism in *The Public and its Problems* provides crucial insight into this

⁶¹ McCoy, 48.

⁶² Appleby, 5.

matter. Dewey contrasts classical liberals from what he calls “progressives” or individuals “protesting against the inherited regime of rule of law and administration.”⁶³

In Jefferson’s time, classical liberalism was the progressive ideology since it served to overthrow the existing political order for one that was more in accord with the people’s interests. In today’s America, by contrast, the industrial capitalists are the conservatives.

17 Dewey observes that in post-industrial America, it is the conservative industrialist who “wants to be let alone, and... utters the war-cry of liberty for private industry, thrift, contract and their pecuniary fruit.”⁶⁴ Dewey contends that the solutions to the social ills of any time period should be determined experimentally, no one solution could be applied to the problems with the American political system at all times.⁶⁵

Like Dewey, Jefferson was a strong proponent of experimentation. In a letter to Samuel Kercheval some years after his presidency Jefferson said, “laws and institutions must go hand in hand with the progress of the human mind.”⁶⁶ In some cases this may mean employing expansive federal authority. Jefferson was not a right-wing libertarian, but in contrast to the British and the Federalists, I argue, Jefferson tended to employ expansive federal authority only to prevent the forces of corruption from taking hold in America.

Jefferson’s personal correspondence with James Madison is quite revealing about his views on the appropriate and inappropriate uses of government authority. Jefferson

⁶³ Dewey, John. *The Public and its Problems*. (Chicago, IL: Gateway Books, 1946), 134.

⁶⁴ Dewey, 134.

⁶⁵ Dewey, 74.

⁶⁶ Jefferson, Thomas. "Reform of the Virginia Constitution" To Samuel Kercheval July 12, 1816. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*.
<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=244&division=div1>>.

said in a letter to Madison dated October 28, 1785 on the issue of economic inequality.

“legislators cannot invent too many devices for subdividing property, only taking care to let their subdivisions go hand in hand with the natural affections of the human mind.”⁶⁷

And he continues, in opposition to the principle of limited government, “it is not too soon to provide by every possible means that as few as possible shall be without a little portion of land.”⁶⁸ The upshot of these remarks is that expansive government authority was

acceptable in Jefferson’s view when it was in the interest of the people. What was in the interest of the people would be determined, as he said, by “the natural affections of the human mind.” Since Jefferson appeared to reject the idea that certain elites had a special ability to discern the public interest, he thought the only people who could determine the people’s interests were the people themselves. (7)

Franklin Delano Roosevelt recognized the progressive aspect of Jefferson’s thought and used it as a justification for his New Deal programs. Like Jefferson, Roosevelt employed expansive federal authority in a way that was considered by many to be appropriate for the times. When Roosevelt became president the Great Depression had moved the public such that they were more inclined to support the experimental Keynesian economic theory and social safety net policies that required wealth redistribution.⁶⁹

⁶⁷ Jefferson, Thomas. "Property and Natural Right" To James Madison Oct 28, 1785. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library.*
<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=41&division=div1>>.

⁶⁸ "Property and Natural Right."

⁶⁹ I take the fact that a majority of the American electorate voted for republican candidates running on largely laissez-faire economic platforms in the 1920s to be indicative of support for those policies during that time period. In 1928 Hoover championed “the individual initiative and enterprise through which our people have grown to unparalleled greatness.”
<http://www.speeches-usa.com/Transcripts/herbert_hoover-campaign.html>.

Merrill Peterson for the most part concurs with Roosevelt's interpretation of Jefferson. Peterson writes, "[t]he essence of Jeffersonian Democracy was hostility to every form of oppression; the New Deal's attack on the 'economic royalists' was in the spirit of Jefferson's attack on the 'corrupt monarchists'...was not social welfare legislation a modern application of Jefferson's teaching?"⁷⁰ Peterson also cites Charles E. Merriam's argument that through policies such as "a free public land system, a broadly conceived transportation network, and a democratic educational system" Jefferson contributed to in Merriam's words "'liberty for something – for the pursuit of happiness.'" ⁷¹

For Jefferson, the end of government was not to preserve property rights, but to improve the human condition. Insofar as the unequal distribution of property led to human waywardness, I assume, Jefferson may have viewed policies to address these social ills favorably.⁷² Jefferson valued classical liberalism insofar as it was an effective

Hoover received 58.2% of the popular vote in the 1928 presidential election. Then the Great Depression hit and Franklin Delano Roosevelt was elected over Hoover by a margin of 57.41%-39.65% in the popular vote and 472 electoral votes for Roosevelt to only 59 on Hoover's side. This was a clear indication that the American people were willing to try something new, if not an outright repudiation of Hoover's policies. In 1936, after Roosevelt had begun implementing his New Deal programs, Roosevelt was re-elected by an even wider margin than in the previous election – receiving 60.8% of the popular vote and 523 of 531 electoral votes. He had a solid mandate from the people.

<<http://www.usconstitution.net/elections.html>>.

⁷⁰ Peterson, 357.

⁷¹ Peterson, 357.

⁷² Whether or not Jefferson would have supported Roosevelt's specific New Deal reforms remains an open question. In the short-term, since Jefferson was a staunch majoritarian, he probably would have thought the elected democratic majorities should be able to implement the policies they were elected for, as long as those policies were in accord with the will of the people. From a more long-term perspective, Jefferson may have been concerned by the increasing complexity of the government that accompanied its increased size and scope. Jefferson thought that government affairs should be simple enough that all citizens could be expected to understand them. In his *First Annual Message* Jefferson warned, "we may well doubt whether our organization is not too complicated, too expensive; whether offices or officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote" (p. 178). If the people were unable to follow government affairs because they had become too complex, there was a risk that those in government could use their power for corrupt purposes without the people knowing.

means of addressing social ills, but he was open to other options if they proved to be a better remedy. Jefferson thought promoting the general welfare was in fact the primary task of government. This proved to be a major shift from the traditional Lockean view that governments existed primarily for the preservation of people's property. That's why Jefferson's substitution of Locke's 'life, liberty, and property' with 'life, liberty, and the pursuit of happiness' was so significant. Unlike traditional libertarians, Jefferson was most concerned about improving the human condition; and for Jefferson the means to answering the day's social ills were bound to change over time.

Jefferson's Project

Herbert Croly agrees with Jefferson that the interests of the people are vital to the success of the American experiment in self-government. Croly writes, "the success of this democratic political system was indissolubly associated in the American mind with the persistence of abundant and widely distributed economic prosperity."⁷³ However, Croly thought Jefferson did not have the national program necessary to make this happen. I disagree with Croly. I think Jefferson did have a national program for bringing about the sort of widespread national prosperity that Croly envisioned, one that at times depended on government action.

As Peter Onuf argues in *Jefferson's Empire*, Jefferson sought to create a new version of the British Empire that did not contain the elements that made it corrupt. The British example showed that monarchy was incompatible with rule in the people's interests, but it remained to be seen whether Empire itself was incompatible with the

⁷³ Croly, 11.

people's interests if the right conditions were in place.⁷⁴ From the perspective of Jefferson's project of building a Virtuous Empire, it is understandable why Jefferson opposed the Hamiltonian agenda while embracing federal authority for his own agenda. Jefferson believed that rule of elites was what corrupted the British colonial rule. Similarly, in the period of Federalist control the same forces threatened to make the American Empire corrupt because Hamilton designed his policies to benefit the wealthy at the expense of the many.

Drew McCoy writes in *The Elusive Republic: Political Economy in Jeffersonian America* that the issue at hand was "finding a way to permit liberty, commerce, and prosperity and, at the same time, to deny their potentially corrupting effects."⁷⁵ In McCoy's view this Jeffersonian agenda could be realized if three conditions were present: "a national government free from any taint of corruption, an unobstructed access to an ample supply of open land, and a relatively liberal international commercial order that would offer adequate foreign markets for America's flourishing agricultural surplus."⁷⁶ Securing and maintaining these conditions was the essence of Jefferson's national program.

Before the Constitution was even ratified, Jefferson proved to be a strong advocate of westward expansion. In 1784, Jefferson advocated that the Northwest Territory be broken up into several states – both purchased by the Indians and "ceded by

⁷⁴ Onuf, 68.

⁷⁵ McCoy, 75.

⁷⁶ McCoy, 186.

Individual States” – and incorporated into the Union.⁷⁷ Jefferson also indicated an interest in the territory “on the western side of the Mississippi” as early as 1786.⁷⁸

A large part of his agenda dealt with finding ways to use the new territory to increase national prosperity. The Louisiana Purchase served Jefferson’s ends by opening up new markets for agricultural produce west of the Mississippi River. In his *Third Annual Message* to Congress, several months after the Purchase, Jefferson said “the fertility of that country, its climate and extent, promise in due season important aids to our treasury” as well as “an ample provision for posterity, and a widespread field for the blessings of freedom and equal laws.”⁷⁹ Jefferson later sent out the ^{later} famed Lewis and Clark expedition to explore the new territory and to determine how to make that territory profitable. In his *Sixth Annual Message* to Congress, Jefferson commented, “[t]he expedition of Messrs. Lewis and Clarke...has had all the success which could have been expected” noting that they had “learned the character of the country, of its commerce, and inhabitants.”⁸⁰

Jefferson argued that the federal government should oversee the construction of “roads, rivers, canals, and such other objects of public improvement” so that “new channels of communication will be opened” between the Western territory and the rest of

⁷⁷ Jefferson, Thomas. “Report on Government for Western Territory.” (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 50.

This was of course three years before the Northwest Ordinance of 1787 officially incorporated what is not Ohio, Indiana, Illinois, Michigan, and Wisconsin.

⁷⁸ Jefferson, Thomas. “From *Observations on Dêmeunier’s Manuscript*: Observations on the Article Etats-Unis Prepared for the Encyclopedie.” (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 264.

⁷⁹ Jefferson, Thomas. “Third Annual Message.” (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 186.

⁸⁰ Jefferson, Thomas. “Sixth Annual Message.” (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 201.

the states.⁸¹ Jefferson reiterated this point in his last message to Congress. He asked rhetorically, “[s]hall [government revenue] lie unproductive in the public vaults? Shall the revenue be reduced? Or shall it rather be appropriated to the improvements of roads, canals, rivers...and other great foundations of prosperity and union...?”⁸² With the help of government, the Western territory could be used to improve national prosperity. This was certainly not a fiscally austere, small government position.

Jefferson’s commitment to these policies as a means to realizing his vision of a Virtuous Empire should be enough to show that Herbert Croly was wrong; Jefferson was able to - and did in fact - construct a national program for bringing about his political goals. Whereas in the Revolutionary period and the Republican period of opposition in the 1790s Jefferson’s ends required classical liberal solutions, the challenges Jefferson faced during his presidency required the use of government.

Of course, it would be hypocritical of Jefferson to claim that it was in the interest of the people for him and his party to employ expansive federal authority, but not when people from other ideological points of view employed expansive federal authority. However, I am not convinced that this was what Jefferson meant. Government could indeed be used to sustain the agrarian nature of the republic and facilitate commercial prosperity, but Jefferson’s project could not succeed in the presence of government corruption. The challenge was to prevent those with authority from using it for their own ends, or that of any one class of people, in such a way that the character and conditions of civil society were not fundamentally changed.

⁸¹ “Sixth Annual Message,” 203.

⁸² Jefferson, Thomas. “Eighth Annual Message.” (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 223.

4. Jefferson as a Figure of the Republican Tradition

In this section I will further explore Jefferson's views on the concept of corruption. I will focus on two different types of corruption: the corruption of public officials and what I refer to as the corruption of civil society. These ideas are not unique to Jefferson; they place him within a tradition of republican thinkers. In writing *the Declaration of Independence* Jefferson claimed to be directly influenced by "Aristotle, Cicero, Locke, Sidney, &c."⁸³ Jefferson's views on the corruption of public officials can be most directly traced to the ideas of Algernon Sidney. In Sidney's view, individual agents who used government for their own ends breached the public trust. Jefferson's views on corruption also warrant comparison to Aristotle, who thought that civil society had to combat the forces of corruption in institutions. I will then evaluate Jefferson's handling of the issue of political pluralism and compare his answer to this problem to the answer presented by his republican colleague James Madison. Unlike Madison, Jefferson believed that an enlightened majority was indispensible for combating corruption.

The Problem of Corrupt Rulers

Before Jefferson's time, the classical republican theorist Algernon Sidney articulated the idea that government was intended to serve the interests of the people over the interests of those in power. As I mentioned, Jefferson claimed that Sidney was an influence on his ideas for *the Declaration of Independence* in drawing a contrast between monarchy and republics. Alan Houston explains "Sidney's case against absolute

⁸³ Jefferson, Thomas. "The Object of the Declaration of Independence" To Henry Lee May 8, 1825. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*.

<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=280&division=div1>>.

monarchy hinged on the contention that it sacrificed the public interest to the private interests of a single man. Rome burned while Nero fiddled.”⁸⁴ Houston concludes that in Sidney’s thought, “[o]nly a republic could claim stability, strength, and the pursuit of the public interest, for only a republic was founded on obedience to the law, the defense of common interests, and the keeping of covenants.”⁸⁵ Both Sidney and Jefferson thought the protection of the people’s interests was tantamount to the health of a political community.

The problem with Hamilton’s “big-government” agenda was not simply that it led to more expansive government, but that it increased the potential for corruption and subversion of the people’s interests. Although there is something to be said for liberty, the reason that small government should be valued, in Jefferson’s mind, was not because liberty was a good in itself. As the historian Vernon Louis Parrington wrote, “[t]he political state tends inevitably to self-aggrandizement, the logical outcome of which is a political leviathan, too big and too complex for popular control” and when certain elites have power in government, “those agents lie under a constant temptation to corruption and tyranny.”⁸⁶ Parrington contends that from a Jeffersonian perspective, a government run by corrupt officials acting in their own interest would in effect “undo the results of the Revolutionary war.”⁸⁷ Hence, it was not only the prospect of less liberty that troubled Jefferson; rather, it was corrupt officials subverting the public interest.

⁸⁴ Houston, Alan. *Algernon Sidney and the Republican Heritage in England and America*. (Princeton, NJ: Princeton University Press, 1991), Houston 166.

⁸⁵ Houston, 147.

⁸⁶ Parrington, Vernon Louis. *Main Currents in American Political Thought*. (New York: Harcourt, Brace & Company, 1927), 350.

⁸⁷ Parrington, 351.

As Jefferson said in a letter to Samuel Kercheval, "governments are republican only in proportion as they embody the will of their people, and execute it."⁸⁸ To take this principle a step further, a government is anti-republican insofar as it embodies the will of the few. In contrast to the Jeffersonian republicans, the Federalists were a part of a tradition of thinkers who maintained that the wealthy and the wellborn knew what was best for the masses, so they should be entrusted to act in their place. But Jefferson saw potential for corruption in this state of affairs. ^{Civic?} Jefferson thought most of society's ills could be traced to elites acting in their own interest, regardless of their stated intentions.

As the historian Gordon Wood explains, "Jefferson believed that all social abuses and deprivations – social distinctions, business contracts, monopolies and privileges of all sorts, even excessive property and wealth" were the result of corrupt government.⁸⁹

When those in government pursued their own interests and exploited the people, the people suffered. Jefferson thought this was the case in all political Empires of the past, and he saw it happening in America under the Federalists.

Because Jefferson had only lived under monarchical government prior to the Revolution, he tended to conflate the idea of government with monarchical government. Wood clarifies that the Jefferson who favors minimal government views government "not as nineteenth-century laissez-faire liberals trying to promote capitalism, but as eighteenth-century radicals who hated monarchy" and so Jefferson's alleged contempt for government itself was really just contempt for monarchical government.⁹⁰ In Jefferson's

⁸⁸ "Reform of the Virginia Constitution."

⁸⁹ Wood, 219.

⁹⁰ Wood, 219-220.

mind, corrupt government and monarchical government were virtually one and the same, but a revolutionary republican government would serve the people's interests.

A question that remains is whether or not Jefferson would have supported some form of Constitutional monarchy that was bound by the will of the people. My opinion is that Jefferson saw all (or nearly all) Constitutional monarchies as inevitably leading to absolute monarchy. For example, Jefferson wrote to James Madison from France that one of his primary objections to the Constitution was the absence of a term limit for the President. He reasons, "[e]xperience concurs with reason in concluding that the first magistrate will always be re-elected if the Constitution permits it. He is then an officer for life."⁹¹ Jefferson had little faith that public officials would govern in the public interest without being forced to by the people.

Corruption in Civil Society

In Jefferson's view, when those in government become corrupt and threatened the public interest, it was up to the citizens to confront their leaders. This is what he meant when he said "I hold it that a little rebellion now and then is a good thing, & as necessary in the political world as storms in the physical."⁹² There was always a risk that those in power would become entrenched, and that they would begin to pursue their own interests. The only way the people could stop this from happening was by remaining attentive to government affairs.

⁹¹ Jefferson, Thomas. "Objections to the Constitution." To James Madison Dec. 20, 1787. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*.
<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=66&division=div1>>.

⁹² "Rebellion, Secession, and Diplomacy."

also
This is why education was such a central part of Jefferson's political thought. In his *Bill for the More General Diffusion of Knowledge* Jefferson argued, "it is better that such should be sought for and educated at the common expence of all, than that the happiness of all should be confided to the weak or the wicked."⁹³ Without the knowledge to combat government corruption the people would not be able to protect their interests. When government became larger and more complex it became harder for the citizens to understand the decisions that those in government were making. To underscore the importance of civic resistance to government corruption, Jefferson exclaims, "God forbid we should ever be 20 years without such a rebellion" because "[i]f they remain quiet under such misconceptions it is a lethargy, the forerunner of death to the public liberty."⁹⁴ Jefferson thought this potential for corruption existed in all societies. He asks, "[w]hat country before ever existed a century & half without a rebellion? & what country can preserve it's liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance?"⁹⁵

When the people fail (or unable) to perform this duty of resistance, this must be due to a second kind of corruption. I call this type of corruption the corruption of civil society. Aristotle - who like Sidney, influenced the Jefferson's ideas - addressed the issue of civic virtue in republics long before Jefferson. Aristotle recognized that just as

⁹³ Jefferson, Thomas. "Bill for the More General Diffusion of Knowledge." (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 39.

Jefferson also thought education was important in training future governors. He writes, "it is generally true that the people will be happiest whose laws are best, and are best administered" (pg. 39).

⁹⁴ "Rebellion, Secession, and Diplomacy."

⁹⁵ Jefferson, Thomas. "The New Constitution." To William S. Smith Nov. 13, 1787. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*.

<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=64&division=div1>>.

the rulers of republics had to perform their duties, so did the citizens. He writes, “[f]or if the ruler is not going to be temperate and just, how will he rule well? And if the subject is not going to be, how will he be ruled well? For if he is intemperate and cowardly, he will not perform any of his duties. It is evident, therefore, that both must share in virtue[.]”⁹⁶ Aristotle, like Jefferson, presumes that men are in a state of equality.

Aristotle asserts, “because all are naturally equal” it is therefore “just for all to share the benefits and burdens of ruling.” Under this situation, Aristotle says that the citizens ideally “rule and are ruled in turn.”⁹⁷ This required that the citizens cultivate the virtue of a subject by being constantly attentive to public affairs. For Aristotle, participation in public affairs was the essence of good citizenship. The health of the political community depended just as much on civic virtue as it did on the virtue of the rulers.

Like Aristotle, Jefferson thought good citizens were essential to the health of a political community. Jefferson’s hope was that the people would be constantly vigilant against abuses of power, so that they may ensure that those in power ruled in the people’s interest. This is how the Jeffersonian citizen exercises civic virtue. Richard K. Matthews writes of Jefferson in *The Radical Politics of Thomas Jefferson*, “[h]e wants to institutionalize revolution in order to keep the spirit of 1776 perpetually alive. By this bold innovation, he hopes, first, to sustain every man’s interest in governing himself, as opposed to being either politically and economically ruled from the grave or being

⁹⁶ Aristotle. “Politics.” Translated by C.D.C. Reeve. (Indianapolis, IN: Hackett Publishing Company, 1998), 23.

⁹⁷ Aristotle, 10.

In all likelihood, Aristotle’s claim that men are in a state of equality influenced Jefferson’s postulate, “that all men are created equal” enumerated in the *Declaration*. Jefferson also may have taken Aristotle’s assertion that men who are equals should share in rule as a justification for the principle of self-government.

governed by a permanent aristocracy.”⁹⁸ That way the corrupting force of monarchy would not overtake American civil society.

Jefferson’s solution was to divide each county into a series of “ward-republics” so that the people could manage their own affairs. Jefferson explained this plan in a letter to Samuel Kercheval:

Divide the counties into wards of such size as that every citizen can attend, when called on, and act in person. Ascribe to them the government of their wards in all things relating to themselves exclusively. A justice, chosen by themselves, in each, a constable, a military company, a patrol, a school, the care of their own poor, their own portion of the public roads, the choice of one or more jurors to serve in some court, and the delivery, within their own wards, of their own votes for all elective officers of higher sphere, will relieve the county administration of nearly all its business, will have it better done, and by making every citizen an acting member of the government, and in the offices nearest and most interesting to him, will attach him by his strongest feelings to the independence of his country, and its republican constitution.⁹⁹

Matthews argues, “[t]hrough daily action in the ward-republics, then, Jefferson thinks, he has found a permanent check to tyranny, a way to keep alive the revolutionary ardor of the founding era, and a mechanism to allow the citizens truly to govern themselves.”¹⁰⁰ If the people remained active and prevented public officials from violating the public trust, Jefferson’s Virtuous Empire could be sustained.

When the people remained idle while those in government abused their powers, this was a sign of a corrupted civil society. Jefferson hoped that the people would do their duty in the future just as they did in 1776 and 1800. As long as the people maintained their civic virtue, the republic was safe. However, if civil society was corrupted and civic virtue lost its place, the republic was bound to share the fate of

⁹⁸ Matthews, Richard K. *The Radical Politics of Thomas Jefferson*. (Lawrence, Kansas: Kansas University Press, 1984), 22.

⁹⁹ "Reform of the Virginia Constitution."

¹⁰⁰ Matthews, 87.

monarchical societies where the people suffered from corrupt government. As long as the people maintained the spirit of civic virtue, America would always remain a Virtuous Empire.

The Issue of Political Pluralism

(7) A potential problem this introduces for Jefferson's political thought is that it forbids government from using the traditional means of creating social cohesion within a state. Gordon Wood notes that monarchs could force all people – regardless of their backgrounds - to act in accord with some conception of the public good by means of regal authority; republics, on the other hand, had to achieve this end “from their citizens’ willingness to sacrifice their private desires for the sake of the public good – their virtue.”¹⁰¹ Jefferson therefore “sought to create a general government that would rule without the traditional attributes of power.”¹⁰²

Perhaps Jefferson erred in assuming that the majority of the people had roughly the same interests. Since Jefferson's political thought presupposed a largely homogenous political community, his preferred political system could not accommodate all of the different interests that came into play. For instance, a farmer in the Deep South will have little in common with a fisherman on the Atlantic Coast or an industrial worker in a Northeastern city. In such a large country with so many different types of people with different lifestyles and corresponding needs, it seems that it would be impossible for government policies to satisfy the interests of everyone.

same argument as the Antifeds

¹⁰¹ Wood, 219.

¹⁰² Wood, 246.

Jefferson's response would probably be that this is the very reason why most government affairs should be conducted on the state and local level. In this arrangement, the representatives for the farmer in the Deep South will be looking after the interests of those farmers instead of having to balance the interests of the fishermen and the industrial workers as well. That way majority interests would prevail in each of these local political units. ✓ shows not saying

This view would seem counterintuitive to anyone familiar with James Madison's argument in *Federalist 10*, one of the documents that lay the foundation for the U.S. Constitution. Madison's theory was that a large federal republic with diverse interests was necessary to protect minority rights. In a small territory certain factions that threatened minorities could take hold fairly easily, but it would be difficult to gain adherents for these malicious causes over a large territory.¹⁰³ Madison did, however, think it would be a problem if representatives were out of touch with local concerns. He thought the Federal Constitution offered a sufficient solution. Under this system, Madison says, "the great and aggregate interests being referred to the national, the local and particular to the State legislatures."¹⁰⁴ ?

Madison reiterates this point in a letter to Jefferson in October of 1787. Madison was concerned about tyranny of the majority. He was particularly concerned about this occurring in state governments because, compared to the federal level, he says, "[t]he mutability of the laws of the States is found to be a serious evil."¹⁰⁵ Jefferson, on the other hand, had concerns with concentrating power in the hands of the federal

¹⁰³ Madison, James. "The Federalist Papers: No. 10." *The Avalon Project*
<http://avalon.law.yale.edu/18th_century/fed10.asp>.

¹⁰⁴ "The Federalist Papers: No. 10."

¹⁰⁵ "James Madison to Thomas Jefferson." 24 Oct. 1787.

<<http://press-pubs.uchicago.edu/founders/documents/v1ch17s22.html>>

government. He said, "I own I am not a friend to a very energetic government. It is always oppressive."¹⁰⁶ And he adds, "it is my principle that the will of the majority should always prevail."¹⁰⁷ Jefferson thought the state governments were more in touch with people and provided a better venue for enacting the majority will. At the federal level, on the other hand, there were many more conflicting interests. There was a greater risk at the federal level that the people's interests would take a back seat to abstract national interests, or worse, the interests of the representatives themselves.

Jefferson does, however, qualify this position in his *First Inaugural Address* with the following claim: "though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable...the minority possesses their equal rights, which equal law must protect, and to violate would be oppression."¹⁰⁸ Jefferson did not prescribe any institutional methods for protecting minority rights in the same way as Madison, so he had to find some other means of ensuring that protection. My view is that Jefferson thought the United States citizens were generally good, and they would not seek to oppress minorities. He proclaims in his *Response to the Citizens of Albemarle* upon returning to his home county from Paris, "[L]et us then, my dear friends, for ever bow down to the general reason of society. We are safe with that, even in its deviations, for it soon returns again to the right way."¹⁰⁹

BGR?
(cont.)

Most Americans would cite the Jim Crow South as evidence that Madison was

¹⁰⁶ "Objections to the Constitution."

¹⁰⁷ "Objections to the Constitution."

Jefferson conceded that if adopting the Federal Constitution was the will of the majority, that it should be adopted. However, he wanted an open Amendment process to be included so that the system could be altered to conform to the majority will whenever necessary.

¹⁰⁸ "First Inaugural Address," 166-167.

¹⁰⁹ Jefferson, Thomas. "Response to the Citizens of Albemarle." (*Thomas Jefferson: Selected Writings*. New York: Library of America Paperback Classics, 1990), 165.

right, and that the Federal government rather than the states, should be entrusted with protecting minority rights. Jefferson might respond that the segregationist laws of the Jim Crow era were the product of a corrupted civil society, in which the desire to oppress black citizens blinded many southern white citizens to the true public interest. In Jefferson's mind, as long as the citizens demonstrated proper civic virtue, it was better to tolerate the fluctuations of public opinion than it was to allow some interest other than that of the majority to govern public affairs. In Jefferson's mind, when the majority interests did not prevail, the republic would become corrupt.

5. Tucker & Hendrickson's Criticism and My Response

Robert W. Tucker and David C. Hendrickson argue in *Empire of Liberty* that Jefferson was guilty of what they call reason of state; that is, an appeal to national interests in advancing government policies. Since the interests of the people were supposed to be placed above abstract national interests in Jefferson's thought, Jefferson therefore broke with his principles by embracing reason of state in the events surrounding the Louisiana Purchase and the Embargo Act. However, as I will explain in this section, there is a way out of this trap for Jefferson.

Jefferson's Opposition to Federalist Reason of State

Because Jefferson wanted America to enjoy great prosperity without the corrupt rule that characterized the most prosperous Empires of the past, as I have said, Jefferson's goal was to make America a Virtuous Empire. Alexander Hamilton and the Federalists also saw America as an alternative to the British Empire, but in Jefferson's view they

erred in attempting to emulate its elements of elite rule and preference of national interests in the formation of government policies.

The problem with the Federalist National Bank was that it ensured that U.S. economic policies would revolve around the financial interests of the creditors. As Merrill Peterson puts it, “[i]n Jeffersonian usage, the Bank was Hamilton’s permanent engine of monied influence and corruption.”¹¹⁰ Jefferson believed that if primarily business interests rather than the interests of the public dominated American politics, there was something fundamentally wrong with American civil society. Jefferson likely feared that this would lead to the rise of something akin to the modern military industrial complex. This arrangement could lead to America going to war with other countries solely to serve the financial interests of the few. As J.G.A. Pocock points out, Jefferson saw Hamilton’s project of building the military as an agenda “supported by a monied interest...at once corruptive and dictatorial.”¹¹¹

During the Quasi-War with France in the late 1790s the Federalist government incited Jefferson’s republican ire once again in passing the controversial Alien & Sedition Acts. The Alien & Sedition Acts were composed of four separate pieces of legislation: the Alien Enemies Act, the Naturalization Act, the Alien Friends Act, and the Sedition Act.¹¹² Dumas Malone states that the Sedition Act in particular raised Constitutional issues because of the limitations it placed on free speech. The law outlawed “false, scandalous, and malicious writings that were intended to defame the government,

¹¹⁰ Peterson, 76-77.

¹¹¹ Pocock, 528-529.

¹¹² Malone, 384.

Congress, or the President and to bring them into contempt and disrepute.”¹¹³ Malone explains that the Federalist legislation amounted to a power grab in which “the dominant group had obviously fashioned a political weapon against the opposition party which might be employed tyrannically against individuals.”¹¹⁴

The logic the Federalists pointed to in advancing these policies was reason of state. According to reason of state, Tucker & Hendrickson say, “[t]he political community’s security, independence, and continuity took precedence over all other interests, private or public.”¹¹⁵ The National Bank was not in the interest of the people, but it was arguably necessary to create more national wealth. The Alien & Sedition Acts were an instance of war powers that the Federalist administration adopted to suppress dissent that could be harmful to the government during wartime. The underlying premise of reason of state was “that the vital interests of the state were supreme over the interests of civil society.”¹¹⁶ Therefore, in the eyes of Jefferson, “[t]he logic of reason of state was the logic of monarchies, not republics.”¹¹⁷

The Louisiana Purchase and the Embargo Act as a Jeffersonian Reason of State:

The crowning achievement of Thomas Jefferson’s presidency was the Louisiana Purchase from France. The Louisiana Purchase nearly doubled the size of the United States, gave it control of the strategically important Mississippi river, and opened the door to Westward expansion. However, Tucker & Hendrickson make a case that

¹¹³ Malone, 389.

¹¹⁴ Malone, 389.

¹¹⁵ Tucker & Hendrickson, 13.

¹¹⁶ Tucker & Hendrickson, 15.

¹¹⁷ Tucker & Hendrickson, 13.

Jefferson accepted a form of reason of state in his acquisition of the Louisiana territory that was in conflict with his principles.

The events leading up to the Louisiana Purchase began with acts of military aggression by the French. The free navigation of the Mississippi was put into jeopardy when Napoleon Bonaparte “envisaging a revival of the French empire in North America” acquired the territory from Spain.¹¹⁸ This cut off America’s access to the Mississippi River. When Jefferson found out about France’s acquisition of Louisiana from Spain, he threatened an alliance with England against France. Jefferson sent his minister to France, Robert Livingston, along with Secretary of State James Madison, to attempt to buy New Orleans and the Florida territories from France to once again gain free passage of the Mississippi.¹¹⁹ Jefferson sent Livingston and Monroe to France to offer to buy New Orleans and Florida for up to \$10 million, but the French offered the whole Louisiana territory for \$15 million, three cents an acre.¹²⁰

The impetus for this offer from the French side was that Napoleon had difficulty in Saint Domingue with the slave rebellion and an outbreak of yellow fever. As Sean Wilentz describes Napoleon’s mindset, “[f]ed up with his American adventures, in need of fresh revenues for future military campaigns, and eager to forestall an Anglo-American alliance, he solved three problems at one stroke: the bargain-rate sale of Louisiana.”¹²¹

¹¹⁸ Wilentz, 108.

¹¹⁹ Wilentz, 109.

¹²⁰ Wilentz, Sean. *The Rise of American Democracy: Jefferson to Lincoln*. (New York: W.W. Norton & Company, 2005), 110.

¹²¹ Wilentz, Sean. *The Rise of American Democracy: Jefferson to Lincoln*. (New York: W.W. Norton & Company, 2005), 110.

Despite its significance, the Louisiana Purchase clearly violated Jefferson's constitutional principles because there was no power of the federal government to incorporate new territory expressly granted in the Constitution. Jefferson himself admitted that there were constitutional issues. He wrote in a letter to Senator Wilson Cary Nicholas stating, "[w]hatever Congress shall think it necessary to do, should be done with as little debate as possible, & particularly so far as respects the constitutional difficulty" regarding the power "to admit new States into the Union."¹²² He added in his letter to Nicholas, "I confess, then, I think it important, in the present case, to set an example against broad construction," but, he conceded, "[i]f, however, our friends shall think differently, certainly I shall acquiesce with satisfaction; confiding, that the good sense of our country will correct the evil of construction when it shall produce ill effects."¹²³

Jefferson initially tried to pass a Constitutional Amendment to allow the Federal government to incorporate new territory, but he decided against it. According to Tucker & Hendrickson, Jefferson feared that Napoleon would have second thoughts, so he acted unilaterally to secure the territory with dispatch.¹²⁴ Given his political capital and the large majorities that his party held in Congress, there was actually a good chance that an Amendment would have passed. Tucker & Hendrickson think this is very telling, for "[t]hat he nevertheless abandoned his commitment to strict construction rather than hazard even a modest risk of seeing the treaty fail is eloquent testimony to the dominance

¹²² Jefferson, Thomas. "A Constitutional Amendment." To Wilson Cary Nicholas Monticello, September, 1803." *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*. R <<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=157&division=div>>.

¹²³ "A Constitutional Amendment."

¹²⁴ Tucker & Hendrickson, 165-166.

territorial expansion enjoyed over even the most strongly held principles.”¹²⁵ Tucker & Hendrickson conclude that Jefferson’s decision reflects a preference for national interests over conformity to the will of the people.

Popular opinion may have been on the side of incorporating the Louisiana territory, but the government did not have the legitimate authority to act. Jefferson breached the public trust by doing what he thought was in the interest of the state, since the public had not granted the federal government this authority; thus, Jefferson’s actions did not have the legitimacy of the people’s consent. Even if the interest of the state corresponded with the interests of the people in this case, it created a dangerous precedent. Furthermore, Jefferson exemplified the type of corruption that he claimed to abhor by placing the interests of the state above constitutional principles.

Like the Louisiana Purchase, Jefferson’s reasoning behind the Embargo Act may have also involved the subjugation of the people’s interests for national interests.

Jefferson believed that perhaps the greatest threat to the virtuous character of republics was the prospect of war. Tucker & Hendrickson point out in *Empire of Liberty* that

Jefferson equated the introduction of war with monarchy. Tucker & Hendrickson state, “[i]n Republican thought, war was the great evil to be feared above all....From it, most other evils could be traced.”¹²⁶ The theory was that governments typically justify abuses of authority by an appeal to executive prerogative to claim war powers. In general Jefferson appeared to agree with this reasoning. He asserted in his *First Annual Message to Congress*, “[s]ound principles will not justify our taxing the industry of our fellow

¹²⁵ Tucker & Hendrickson, 234-235.

¹²⁶ Tucker & Hendrickson, 243.

citizens to accumulate treasure for wars to happen we know not when, and which perhaps might not happen but for the temptations offered by that treasure.”¹²⁷

(?) War was largely incompatible with Jefferson’s political thought, but the fact that he subverted the will of the people in his attempt to avoid a war was clearly a violation of Jefferson’s principles. According to Jefferson’s theory of representation, government officials should act as delegates for the people rather than trustees charged primarily with discerning national interests. David Mayer cites a letter Jefferson wrote to Benjamin Rush in which he says of his role as President, “I am but a machine erected by the constitution for the performance of certain acts according to the laws of action laid down for me.”¹²⁸ The fact that Jefferson placed national interests above the interests of the people, both in this case and in his handling of the Louisiana Purchase, shows that he was himself guilty of corruption as a public official. acc to T & F? make clear

Difference Between Jeffersonian and Hamiltonian Reason of State

I will have to concede to Tucker & Hendrickson that Jefferson appealed to national interests, but this does not necessarily pose any problem for Jefferson’s political thought. (Jefferson appeared to believe it was inevitable that those in government would become corrupt, and presumably he was no exception) Because the forces of corruption were always present in government to some degree, it was up to the people to correct government wrongs. Unlike the Federalist appeals to reason of state that justified major domestic policy changes, fundamentally altering the character of civil society, Jefferson appealed to reason of state for largely foreign policy decisions that had little impact on

¹²⁷ First Annual Message, 177.

(?) ¹²⁸ Mayer, David N. “The Constitutional Thought of Thomas Jefferson.” (Charlottesville, VA: University of Virginia Press, 1994), 237.

civil society. Even though pragmatic considerations required Jefferson to take national interests into consideration, he could still trust in the people to prevent his actions from leading to long-term consequences for the political system.

Since Jefferson wanted America to be prosperous, a commercial presence was necessary. However, as he had observed in Europe, commerce could have a corrupting effect on society. Peter Onuf asserts in *Jefferson's Empire* that Jefferson's main concern about cities was the concentration of population, wealth, and power in one place.¹²⁹ Such concentrations of power were resonant of the conditions of Britain in which power was in the hands of a few elites instead of the people. Jefferson thought the agrarian nature of the republic had to be preserved for the American experiment in Virtuous Empire to succeed, because large cities corrupted the people.

However, there is a way out of this for trade-off for Jefferson. If the United States accumulated more land, additional commerce could be expanded to those new territories, creating more wealth without significantly changing the economic relations in the existing states. J.G.A. Pocock explains, "on the premise that expanding land is uncorrupted by expanding commerce, the later can add its dynamic and progressive qualities to the dynamic expansiveness of agrarian virtù[.]"¹³⁰ This would support "a farmer's empire, at once progressive and pastoral."¹³¹ Pocock says Jefferson was acutely aware that "sooner or later the reservoir of land must be exhausted and the expansion of virtue will no longer keep ahead of the progress of commerce" and when that happened

¹²⁹ Onuf, 69.

¹³⁰ Pocock, JGA. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. (Princeton, NJ: Princeton University Press, 1975), 539.

In this case "virtù" means excellence, or that which enables prosperity.

¹³¹ Pocock, 539.

“men will become dependent upon each other in a market economy and dependent on government in great cities.”¹³² Without accumulating more land, America would descend into the same state of corruption that characterized Great Britain.

Given the increases in population over time and the inevitable emergence of cities, the conditions for a stable republic were tenuous and had to be preserved by government actions such as the Louisiana Purchase. The Purchase was also a foreign treaty, not exactly a far-reaching domestic policy change like the National Bank or the Sedition Act. While he may have been forced to appeal to national interests in this case, Jefferson did not change the character of civil society simply by acquiring new territory.

Another difference between Jefferson and the Federalists was that Jefferson refused to engage with the European powers militarily. In Jefferson’s view, war with the European powers would have led America down a slippery slope to monarchy. He saw evidence of this trend in the Adams administration when the Federalists passed the Sedition Act during the Quasi War with France. That’s why Jefferson wanted to avoid war at all costs, even if that meant imposing the unpopular Embargo Act as an alternative. Louis Martin Sears argues that given the aggressive behavior on the side of the British, Jefferson either had to go to war with Britain or surrender. Sears says, “[t]o Jefferson the former appeared quixotic; the latter, unthinkable.”¹³³ The Embargo Act certainly wasn’t the will of the people, but Jefferson chose to implement it nonetheless, and he justified this decision because of these pragmatic considerations.

The Embargo Act can also be viewed as an act of foreign policy rather than domestic policy since it was an issue of foreign trade. It certainly had domestic

¹³² Pocock, 541.

¹³³ Sears, Louis Martin. *Jefferson and the Embargo*. (Durham, NC: Duke University Press, 1927), 3.

implications because it limited the trade options for merchants, but to Jefferson this was merely an unfortunate side effect. In contrast to the unfortunate side effects of the Sedition Act, however, it did not change the relationship between the individuals and the government.

Of course, the fact that he had to be a pragmatist in some situations did not give Jefferson a free pass to do whatever he wanted while he was in power. Insofar as he was capable Jefferson should have stuck to his principles and governed in the interest of the people. (I believe that Jefferson was fairly consistent in appealing to a reason of state only for the purpose of combating monarchical forces.) He did not appear to have any ulterior motives or personal agenda separate from the task of building and sustaining a Virtuous Empire. As noted earlier, Jefferson actually cut the military and the size of the government when it was under his control while at the same time reducing taxes. Forrest McDonald argues that to voluntarily give up power like that was historically unprecedented.¹³⁴ Jefferson wasn't making a power grab by any stretch of the imagination. He was simply trying to preserve the strong civil society he saw as essential for a Virtuous Empire.

6. The Corrupting Effect of Slavery - Jefferson's Biggest Failure

Jefferson gained fame for his eloquent defense of the principles of 'life, liberty, and the pursuit of happiness' in *the Declaration*. In recent years, however, Jefferson has been subject to the charge that his deeds fell far short of his words. Like many of his contemporaries of the founding generation, Jefferson was himself a slave-owner, and he

¹³⁴ McDonald, 52.

did not appear to see abolishing the institution of slavery as a priority. It seems absurd that any Empire could be called virtuous if it condones slavery, since the absolute control of others for personal gain is virtually the antithesis of public virtue. The issue was not resolved until the conclusion of the Civil War, almost 40 years after Jefferson's death. *If then*

Because Jefferson failed to eradicate the institution of slavery in his lifetime, Jefferson's project of building and sustaining a Virtuous Empire in his lifetime was a failure.

How Slavery Corrupted Government and Civil Society:

Despite the fact that Jefferson personally owned slaves and he failed to abolish the institution, he appeared to believe that slavery was unjust. Jefferson's opposition to slavery comes out in his writing of *the Declaration of Independence*. At this point in American history the slave-owners were concerned about property interests, and since the black slaves were considered property, any claim they had to liberty conflicted with the property rights of the slave-owners. In the view of the government, the rights of the slaves were over-ridden by the claims slave owners had to their property rights.¹³⁵ John Chester Miller argues, "[b]y omitting the word 'property' from his enumeration of the rights of man – life, liberty, and the pursuit of happiness – Jefferson seemed to place human rights above property rights[.]"¹³⁶

In addition, Miller points out that Jefferson listed the imposition of slavery on the colonists as the last charge against the British crown in *the Declaration*. Miller asserts that Jefferson "deliberately presented this charge as the concluding article of his indictment of George III" and he meant for this final charge to serve as "the capstone of

¹³⁵ Miller, John Chester. *The Wolf by the Ears: Thomas Jefferson and Slavery*. (New York: the Free Press, 1977), 13.

¹³⁶ Miller, 14-15.

[Britain's] royal misdeeds.”¹³⁷ The passage on slavery in Jefferson's draft was eventually deleted from *the Declaration*, and Jefferson attributed this revision to the “avarice” of those who profited from the institution.¹³⁸ Rather than looking after the interests of the slaves, the U.S. government chose to protect the special interests of the slave-owners. Moreover, by placing special property interests above the interests of the slaves, those in government acted corruptly.

Civil society was also corrupted by slavery. For Jefferson, America was supposed to represent an alternative to the corrupt conditions of Britain. In Miller's words, “Jefferson had always taken comfort from the fact that Virginia gentlemen did not live off each other by buying and selling, by overcharging the common people for merchandise, and by hounding their debtors[.]”¹³⁹ The conditions of exploitation and dependency were hardly suited to republican civil society, and the fact that these conditions were so pervasive in Europe was a large part of the reason why Jefferson thought republican government could not succeed in Europe. Miller contends that Jefferson “found solace in the reflection that greed and avarice were vices peculiar to businessmen and that farmers and country gentlemen were immune to the debasing passion for inordinate wealth, luxury, and power.”¹⁴⁰

Jefferson's assumption was that America would have a strong civil society as long as it remained primarily agricultural and the country did not become filled with the vices of cities. However, slavery extended these vices to agrarian America, and Jefferson must have been aware of this impact on civil society. Charles Arthur Miller points to

¹³⁷ Miller, 7.

¹³⁸ Miller, 8.

¹³⁹ Miller, 35.

¹⁴⁰ Miller, 35.

Jefferson's *Notes on the State of Virginia* as evidence of this interpretation of Jefferson. In Miller's words, Jefferson believed slavery "fostered only cruelty, false pride, tyranny, and mindless brutality" and "served only to degrade the slave and debauch the morals of the master."¹⁴¹ Since slavery replaced the spirit of civic virtue with greed and avarice, it had a fundamental effect on the character of American civil society. Miller writes, "[i]f 'virtue' ceased to be the animating force in the United States, Jefferson was inclined to despair of the Republic; the people would then be ready, by his reckoning, for the advent of unbridled self-seeking, corruption, and, finally, monarchism."¹⁴²

How Slavery Corrupted Jefferson

The corrupt public officials had their way on the slavery issue and Jefferson felt there was nothing he could do about it. Jefferson reticence can be attributed partially to his need for the support of the South and partially to his fears about what would happen after the slaves were freed. Jefferson once compared the problem of slavery to the problem of holding the wolf by the ears: "We can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other."¹⁴³ Jefferson himself was corrupted by slavery since he ended up applying a reason of state instead of being out in front on the slavery issue.

Perhaps the primary obstacle to emancipation of the slaves was the issue of how the Southern agrarian economy would be able to function if the slaves were freed. Since

¹⁴¹ Miller, 41.

¹⁴² Miller, 33.

¹⁴³ Jefferson, Thomas. "A Fire Bell in the Night." Letter to John Holmes, April 22, 1820. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library*.
<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=258&division=div1>>.

the plantation-economy of the South was highly dependent on slave labor, the South most likely would have incurred heavy financial losses if the slaves were freed without some sort of compensation. As a Southerner Jefferson was expected to be sensitive to this view. Another one of Jefferson's fears was that once freed the slaves would seek vengeance on the whites and take over. The slave rebellion in Saint Domingue heightened those fears.¹⁴⁴ During that slave revolt, "almost the entire remaining white population was massacred by the blacks."¹⁴⁵ As Jefferson said in the *Notes on the State of Virginia*, "[i]ndeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events."¹⁴⁶ He was concerned that the white Americans would share the same fate as many of the white residents of Saint Domingue.

A possible conclusion about Jefferson's political thought is that he was willing to compromise the interests of slaves but not the interests of Southern white male plantation owners. I believe that this thesis does not hold. Jefferson compromised the interests of white southerners with the Embargo Act, their interests were not placed ahead of anybody else. As a consequence of the Embargo, prices of crops dropped in states like Virginia and North Carolina that were largely dependent on exports for their economy.¹⁴⁷ Louis Martin Sears notes that Lincoln County North Carolina called for a repeal of the

¹⁴⁴ Malone, 208.

¹⁴⁵ Miller, 139.

¹⁴⁶ Jefferson, Thomas. *Notes on the State of Virginia*. Electronic Text Center, University of Virginia Library.

<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefVirg.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=all>>.

¹⁴⁷ Sears, 229.

Embargo in 1808 and “[d]istress was so general in Virginia that a moratorium on debts was decided upon.”¹⁴⁸ Sears argues that “[o]n the hypothesis of purely economic motivation” the South should have been just as strongly opposed to the Embargo as the North.¹⁴⁹ It doesn’t appear that Jefferson thought the interests of Southern white male property owners should determine public affairs, so there is little reason to think this was his chief concern about the slavery issue.

For practical purposes, Jefferson decided that it was best to simply not take a position on the slavery question. The existence of slavery was clearly not compatible with the conditions necessary for a Virtuous Empire in America, but in Jefferson’s view it was apparently better to tolerate this problem than to risk the collapse of the Union.

This can be viewed as another instance of Jefferson employing a reason of state. Joseph

Ellis writes that Jefferson tended to use his capacity as a public official to justify not taking a position on slavery. After his failed attempts to abolish slavery in Virginia, once he became a minister to France, “[f]rom this time onward the characteristically

Jeffersonian position emphasized the need to wait for public opinion to catch up with the moral imperative of emancipation. Instead of a crusading advocate, he became a cautious

diplomat.”¹⁵⁰ Jefferson claimed that although he wanted to see the institution of slavery abolished he didn’t believe he could advocate that position in his capacity as a public servant.¹⁵¹ (His hope was that eventually the problem would be solved and America could be a Virtuous Empire.)

¹⁴⁸ Sears, 230.

¹⁴⁹ Sears, 231.

¹⁵⁰ Ellis, 103.

¹⁵¹ Ellis, 103-104.

Contrary to what some of his critics may suggest, Jefferson did not simply have misplaced values on the issue of slavery. In fact, he saw slavery as an unquestionable evil that had to be abolished. Unfortunately, Jefferson chose pragmatism over principle. Jefferson failed to rid America of the evil of slavery and for that reason his political project was a failure.

7. Money in Politics - the Challenge to Sustaining a Virtuous Empire Today

America no longer supports the institution of slavery, but that by itself does not mean that Jefferson's vision of a Virtuous Empire in America has been realized today. Many of the elements that Jefferson feared in his own time have become a fact of life in American politics. As I will explain in this section, there is strong evidence suggesting that public officials favor the interests of their wealthy constituents to those of the rest of their constituents. In fact, money is now the single most important factor in determining the outcomes of elections.¹⁵² Compounding this problem is the fact that only citizens who have large sums of money at their disposal appear to have much of a voice in public deliberation. Thus, the role of money in electoral politics today has led to the corruption of public officials as well as the corruption of civil society. Jefferson believed more than anything that the domination of a republic's politics by a minority of elites corrupted republics. While government and civil society remain corrupted by money, America cannot be a Virtuous Empire.

¹⁵² According to the Center for Responsive politics: "Even during the most competitive cycles, when control of Congress is up for grabs, at the end of the day the candidates who spend the most usually win eight of 10 Senate contests and nine of 10 House races."

< <http://www.opensecrets.org/news/2012/01/big-spender-always-wins.html>>.

The Corrupting Effect of Money in American Politics

Electoral politics in America today have changed quite a bit since Jefferson's time. Campaigns have become highly professionalized and reliant on new technologies to get their messages out. The American Political Science Association (APSA) Task Force on Inequality and American Democracy observes, "[m]oney is the oxygen of today's elections, given the reliance of candidates on high-priced consultants and expensive media advertisements."¹⁵³ These changes may not pose much of a problem if politicians favored all of their constituents equally regardless of whether or not they gave campaign contributions. The problem is, politicians generally don't treat the interests of their constituents equally.

Larry Bartels states in his book *Unequal Democracy* that based on his analysis of the votes of Senators in three consecutive Congresses overlapping the presidencies of George H.W. Bush and Bill Clinton, "the views of constituents in the upper third of the income distribution received about 50% more weight than those in the middle third" while at the same time "the views of constituents in the bottom third of the income distribution received no weight at all in the voting decisions of their Senators."¹⁵⁴ After examining Congressional roll call votes on issues such as increasing the minimum wage and shifting funding from defense to domestic programs that mainly help low-income voters, Bartels found that Senators "seem to have been a good deal more sensitive to the views of high-income constituents" in how they decided to vote.¹⁵⁵ Bartels finds that this trend also applies to social issues such as abortion, with little recognizable economic

¹⁵³ Task Force on Inequality and American Democracy. "American Democracy in an Age of Rising Inequality." American Political Science Association, 12.

¹⁵⁴ Bartels, Larry. *Unequal Democracy: The Political Economy of the New Gilded Age*. (New York: the Russell Sage Foundation, 2008), 253-254.

¹⁵⁵ Bartels, 263.

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mother's
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impact.¹⁵⁶ The fact that politicians are more likely to support the interests of wealthy individuals who are likely to donate to their campaigns is evidence that the politicians are corrupt.

a bit
blunt

Granted, to some extent politicians will be reliant on certain segments of the population for support in any democracy, because all politicians generally have a “base” or a dependable voting bloc. However, the fact that the money these individuals have seem to determine election outcomes, rather than the views of the individuals in question, gives citizens with more money more of a voice in electoral politics. What is worse is that not everyone has the means to exercise this form of political participation. The APSA Task Force finds that 56 percent of individuals making \$75,000 or more reported making campaign contributions, as opposed to only 6 percent of individuals with incomes of less than \$15,000.¹⁵⁷ In addition, the task force indicated that 95 percent of donors who made “substantial contributions” to campaigns had incomes over \$100,000.¹⁵⁸ Clearly, wealthier segments of the population are able to participate in this form of political participation at much greater rates than poorer segments of the population. The fact that some citizens have more of a voice in the democratic process than others demonstrates a corrupting effect on American civil society.

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I think Jefferson would say that something has to be done to remove the corrupting stain of money on our republic. Although many consider the prerogative to give money to campaigns an aspect of liberty, that does not mean Jefferson would necessarily support that liberty. Once it became clear that the influx of money in

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¹⁵⁶ Bartels, 267.

¹⁵⁷ “American Democracy,” 7.

¹⁵⁸ “American Democracy,” 7.

campaigns led to the corruption of both those in office and of civil society itself, in all likelihood Jefferson would have been willing to limit that liberty.

Civil Liberties Response

A possible response to this argument is that Jefferson would see money as an aspect of free speech, and that Jefferson saw free speech rights as inviolable. Perhaps Jefferson would have thought there was a fundamental difference between government limiting economic liberties and government limiting civil liberties. On this view, the need to prevent corruption would only justify government limitations on economic liberty.

new position
(Susan Herron)

Free speech was the first protection that was accounted for in the Bill of Rights, which certainly says something about its importance. Jefferson believed that in the absence of free speech there is nothing to stop government despotism. That's why Jefferson so vehemently opposed the Sedition Act passed by the Adams administration. In the *Draft of the Kentucky Resolution* Jefferson asserts, "free government is founded in jealousy, and not in confidence; it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power."¹⁵⁹ Jefferson saw the limitations on free speech imposed by the Sedition Act as an unconstitutional power grab, and arguably Jefferson would also see any subsequent attempts to limit free speech as an unconstitutional power grab.

Jefferson reiterates this position in his *First Inaugural Address* as President with the claim "if there be any among us who would wish to dissolve this chain or to change its republican form, let them stand undisturbed as monuments of the safety with which

¹⁵⁹ "Draft of the Kentucky Resolutions." *Thomas Jefferson: Selected Writings*. (New York: Library of America Paperback Classics, 1990), 128.

error of opinion may be tolerated where reason is left free to combat it.”¹⁶⁰ This line was most likely meant to draw a contrast to the Federalists who made speaking out against the government illegal with the Sedition Act. Jefferson thought it was essential that diverse opinions be heard out even if they were not what those in government wanted to hear. That way what was good for the people, and not what was good for the government, would remain the basis for determining the course of public affairs.

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image*

Although Jefferson was willing to curtail economic liberties as president, there is arguably no indication that he was willing to do the same with the people’s civil liberties. If civil liberties could not be infringed – and the right to donate money to political campaigns is a variety of free speech, categorized as a civil liberty protected by the First Amendment – then Jefferson would be unwilling to place any limitations on this right.

On this view, even if Jefferson disliked the role that money played in politics, he would be forced to tolerate it.

Jefferson’s Opposition to the Pseudo Aristocracy

The civil liberties response raises a fair point, but it would not completely tie Jefferson’s hands. Even though Jefferson was a staunch defender of civil liberties, Jefferson was sensitive to the fact that the wealthy could use their civil liberties for corrupt purposes in a way that other citizens could not. Jefferson calls this class of people who have disproportionate power because of wealth and socio-economic status the “artificial aristocracy.” He writes in a letter to John Adams, “[t]he artificial

¹⁶⁰ “First Inaugural Address,” 167.

aristocracy is a mischievous ingredient in government, and provision should be made to prevent it's ascendancy[.]”¹⁶¹

Whereas Adams thought the republic should balance the interests of the wealthy with those of the masses by giving each a chamber in Congress, Jefferson believed that giving the wealthy political power would lead to them abusing it. Jefferson wrote to Adams, “I think that to give them power in order to prevent them from doing mischief, is arming them for it, and increasing instead of remedying the evil.”¹⁶² The debate *between* Jefferson and Adams ~~had~~ over the role the wealthy should play in American politics has significant parallels to the issue of money in politics today. Someone who took Adams’ position could argue that the wealthy should be able to donate vast sums of money to campaigns in order to protect their interests. Someone who took Jefferson’s position could argue, as Jefferson did, that the wealthy did not need these protections because “enough of [them] will find their way into every branch of the legislation to protect themselves.”¹⁶³ As the APSA investigation and Bartels’ study show, Jefferson’s fears that the wealthy would use their resources to gain disproportionate influence over public affairs were well founded.

Jefferson said at the time that he thought the best way to prevent the wealthy from gaining disproportionate influence was to allow the citizens to choose who would

¹⁶¹ Jefferson, Thomas. “The Natural Aristocracy.” Letter to John Adams. Oct 28, 1813. *Jefferson, Thomas, 1743-1826. Letters Electronic Text Center, University of Virginia Library.*
<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=221&division=div1>>.

Jefferson contrasted the “artificial aristocracy” with the “natural aristocracy.” The natural aristocracy was composed of those individuals who were good and wise and would rule in the public interest. Unlike the artificial aristocracy (or the pseudo aristocracy), the natural aristocracy was composed of individuals from all different social classes.

¹⁶² “The Natural Aristocracy.”

¹⁶³ “The Natural Aristocracy.”

represent them. The citizens were thus charged with the task of separating “wheat from the chaff.”¹⁶⁴ Jefferson continues, “[i]n some instances, wealth may corrupt, and birth blind them; but not in sufficient degree to endanger the society.”¹⁶⁵ Even if some public officials were corrupt, the people could be trusted to vote them out and elect virtuous representatives so long as civil society remained strong.

This type of solution would be applicable to the problem of money in politics if it weren't for the fact that civil society has been corrupted by money. Under perfect conditions, the people would be able to determine which candidates supported their interests and they would vote out the public officials who were corrupt. Now the times have changed and American political discourse no longer occurs in the way Jefferson had envisioned. Citizens with wealth can reach much vaster audiences than other citizens, and their opinions get far more attention in public deliberation. Thus, money has become such an important factor in electoral politics that the way civic discourse is conducted today has in fact begun to “endanger the society.” Civil society is corrupted because it is dominated by special interests, and the people cannot exercise their voices equally when many of them lack the funds to participate on an equal level. Moreover, because civic discourse has been corrupted, the people can no longer “separate the wheat from the chaff.”

a bit simplistic

It is worth considering the possibility that reducing the role of money in American electoral politics would not do away with the problem of corruption in civil society. Adams makes the case to Jefferson that wealth is not the only source of disproportionate influence in politics. He says, “[b]irth and Wealth are conferred on some Men, as

¹⁶⁴ “The Natural Aristocracy.”

¹⁶⁵ “The Natural Aristocracy.”

imperiously by Nature, as Genius, Strength or Beauty.”¹⁶⁶ Perhaps people would be more likely to listen to the positions of individuals with these qualities when they took part in public deliberation. Therefore, preventing people from exercising disproportionate influence with their money wouldn’t necessary prevent them from exercising disproportionate influence altogether.

Although Adams is correct that there are other sources of disproportionate power besides wealth, I believe (at least to some extent) Jefferson’s system can accommodate certain individuals having more influence than others. Receiving a well-known public figure’s endorsement may marginally help candidates get elected, but it doesn’t appear to be a deciding factor in most elections. In contrast, a monetary endorsement in the form of a campaign contribution has far more impact than any other form of endorsement. Receiving the nominal endorsement of certain individuals is in no way a prerequisite for attaining public office, but it doesn’t appear that the same thing can be said about monetary endorsements. Individuals who want to get elected to public office are forced to serve the interests of individuals who will donate to their campaigns if they want to get elected and re-elected.¹⁶⁷ The individuals who have the resources to donate to campaigns in effect decide the outcomes of elections and policy decisions. The rest of the citizens don’t have the same kind of influence, which seems fundamentally undemocratic. Having a lot of money has become a prerequisite for having a voice in our democracy, and this is a strong indication that civil society has been corrupted.

¹⁶⁶ “John Adams to Thomas Jefferson.” 15 Nov. 1813.

<<http://press-pubs.uchicago.edu/founders/documents/v1ch15s62.html>>.

¹⁶⁷ The fact that public officials are essentially “forced” to favor the interests of their wealth constituents doesn’t excuse them, because they are still governing in a corrupt manner.

The primary justification for the recent Citizens United v. FEC decision was that the restrictions placed on corporations in engaging in political advocacy amounted to an unconstitutional infringement on the rights of corporations to free speech. The existing law required corporations to form Political Action Committees (PACs), which were required to abide by certain regulations before they could hit the airwaves.¹⁶⁸ In the words of Justice Anthony Kennedy, speaking for the majority of the Court, “[g]iven the onerous restrictions, a corporation may not be able to establish a PAC in time to make its views known regarding candidates and issues in a current campaign.”¹⁶⁹

The irony here is that Justice Kennedy concedes that it is virtually impossible to have a voice in American politics without having large sums of money to reach vast audiences. I take this to be evidence of corruption in American civil society. Jefferson wouldn’t have envisioned candidates for elected office having to spend millions of dollars just to get elected and re-elected; nor would he have seen one’s relative voice in civic discourse as determined by his economic standing. Because civil society has been corrupted by money in the modern electoral system, and the people cannot effectively combat the corruption of public officials, America is not a Virtuous Empire.

well, is it an
empire, or not?
(Good
question)

¹⁶⁸ *Citizens United v. Federal Election Comm’n* (No. 08-205). Cornell University Law School, Legal Information Institute.
<<http://www.law.cornell.edu/supct/html/08-205.ZO.html>>.

Justice Kennedy listed these regulations in his opinion: “every PAC must appoint a treasurer, forward donations to the treasurer promptly, keep detailed records of the identities of the persons making donations, preserve receipts for three years, and file an organization statement and report changes to this information within 10 days.”

¹⁶⁹ “*Citizens United*.”

8. Conclusion

Most scholars look at America today and point to the increase in the role of the federal government as a victory for the Hamiltonian vision of America over the Jeffersonian vision. Forrest McDonald ^(paleo) writes that Hamilton's vision seems to have won out since we are "in a nation of crime-ridden cities and poisoned air, of credit cards and gigantic corporations, of welfare rolls and massive bureaucracies, of staggering military budgets and astronomical public debts."¹⁷⁰ Jefferson saw these elements as the epitome of corruption, the defining trait that characterized elite rule rather than republican government.

In the short term, at least, it appears that Hamiltonian corruption is pervading our politics. Jefferson would be appalled by the concentration of political power in Washington and economic power on Wall Street. In his mind, concentrations of political and economic power in the hands of few could only lead to disaster. Given the recent course of American politics, it looks like Jefferson was right. As I write this, thanks to government priorities, the wealthy have gained back most if not all of the money they lost in 2008 when the markets crashed, but much of the rest of America remains unemployed or underemployed.

But this does not mean that America can never be a Virtuous Empire. Just as the people managed to fight off Hamiltonian corruption in the Revolution of 1800 and beyond, I conjecture that Jefferson would think it was possible to right the wrongs in American politics today. It is important to keep in mind that this does not necessarily mean reducing the role of government, since Jefferson's remedy to Hamiltonian

¹⁷⁰ McDonald, 169.

corruption entailed a number of instances of increased Federal authority that I have mentioned throughout this paper. I have singled out the role of money in politics as the most important issue that Jefferson would want to address because it reinforces the status quo of corruption in our political system. Most members of Congress are hamstrung by the need to support the interests of wealthy constituents for their own political survival. This is an instance of corruption in government.

The role of money in politics does not just corrupt those in power, but the whole make-up of civil society. As the APSA Task Force and Larry Bartels both point out, special interests have gained more of a voice in American politics over the years. These special interests have grown to dominate American political discourse and in large part determine the outcomes of government policy. The idea that special interests – distinct from the interests of the public – would determine public policy outcomes would have been repugnant to Jefferson. Further, this state of affairs is incompatible with his conception of a Virtuous Empire in which the public interest always prevails.

a bit more about such questions

A number of possible solutions have been proposed to this issue. Some members of Congress have proposed a Constitutional Amendment to ban corporate money and other special interest money from politics.¹⁷¹ Others think this solution doesn't go far enough, and that all money needs to be banned from politics and replaced by a system of public funding for campaigns.¹⁷² Still others think the whole system of government has

¹⁷¹ An Amendment to overturn *Citizens United v. FEC* was introduced by Senator Tom Udall (D-NM) <http://www.tomudall.senate.gov/?p=press_release&id=968>.

A similar Amendment was introduced by Rep. Ted Deutch in the House of Representatives <<http://deutch.house.gov/News/DocumentSingle.aspx?DocumentID=269672>>.

¹⁷² MSNBC talking head Dylan Ratigan is a proponent of this effort < <http://getmoneyout.com/>>.

been corrupted and Americans should have another Constitutional Convention to start over from scratch.¹⁷³

There's reason to believe that Jefferson ^{myth} may have supported any of these solutions. He stated on multiple occasions that he was no opponent of frequent changes to the Constitution by means of the Amendment process. On one occasion he went as far as to say that all laws – including the Constitution - should expire every 19 years so that the people may re-evaluate their institutions.¹⁷⁴ It is my belief that Jefferson may not even have had his own solution. More likely than not, he would trust in the people to find a solution themselves, and do away with the corrupting influence of money in politics. Jefferson's handling of the issue of slavery provides some incite on this matter. Instead of trying to emancipate the slaves himself, Jefferson waited for the abolitionist movement to take hold.

Just as Jefferson was caught up in a corrupt system that would not allow him to be out in front on the issue of slavery, many politicians today who are beholden to their campaign donors cannot help do away with the campaign finance system without risking their own political lives. If America will ever be the Virtuous Empire that Jefferson envisioned, it is up to the people to make that happen.

+ empire?

¹⁷³ Lessig, Lawrence. "A Conference on the Constitutional Convention." *Huffington Post*, August 10, 2011.

<http://www.huffingtonpost.com/lawrence-lessig/a-conference-on-the-const_b_923249.html>.

¹⁷⁴ Jefferson, Thomas. "The Earth Belongs to the Living." Letter to James Madison. Sep 6, 1789.

Jefferson, Thomas, 1743-1826. *Letters Electronic Text Center, University of Virginia Library*.

<<http://etext.virginia.edu/etcbin/toccer-new2?id=JefLett.sgm&images=images/modeng&data=/texts/english/modeng/parsed&tag=public&part=81&division=div1>>.

Honor Pledge

I affirm that I have adhered to the Honor Code on this assignment.

Sam Palm

*Bibliography
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very well written

interesting topic

good scholarship

situates thesis in theories well within diff. countries
esp. considering the liberalist ideology

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Good & the benefit of the book is strong

what about the implications of "empire"?